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 9 IN THE UNITED STATES DISTRICT COURTS
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11 AND THE NORTHERN DISTRICT OF CALIFORNIA
 12 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
 13 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

14 **RALPH COLEMAN, et al.,**
 15
 Plaintiffs,
 16
 v.
 17
 18 **GAVIN NEWSOM, et al.,**
 19
 Defendants.

2:90-cv-00520 KJM-DB
THREE-JUDGE COURT

20 **MARCIANO PLATA, et al.,**
 21
 Plaintiffs,
 22
 v.
 23
 24 **GAVIN NEWSOM, et al.,**
 25
 Defendants.

C01-1351 JST
THREE-JUDGE COURT
**DEFENDANTS' MARCH 2019 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 comply with the Court's February 10, 2014 Order
 3 Granting in Part and Denying in Part Defendants' Request for Extension of December 31, 2013
 4 Deadline (February 10, 2014 Order). Exhibit A sets forth the current design bed capacity,
 5 population, and population as a percentage of design bed capacity for each state prison and for all
 6 state prisons combined. Exhibit B sets forth the status of the measures Defendants have
 7 implemented as required by the February 10, 2014 Order. (ECF 2766/5060 at ¶¶ 4-5.)

8 As of March 13, 2019, 113,749 inmates were housed in the State's 34 adult institutions
 9 and 1,343 inmates were housed in out-of-state facilities.¹ (Ex. A.) The State's prison population
 10 is approximately 133.7% of design capacity. (Ex. A.)

11
 12 Dated: March 15, 2019

XAVIER BECERRA
 Attorney General of California

13
 14 By: */s/ Jay Russell*
 JAY RUSSELL
 Deputy Attorney General
 Attorneys for Defendants

15
 16 Dated: March 15, 2019

HANSON BRIDGETT LLP

17
 18 By: */s/ Paul B. Mello*
 PAUL B. MELLO
 SAMANTHA D. WOLFF
 Attorneys for Defendants

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 28 ¹ The data in Exhibit A is taken from CDCR's March 13, 2019 weekly population report. See
Declaration of Julie Basco In Support of Defs.' March 2019 Status Report.

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8 Attorneys for Defendants

9
 10 **UNITED STATES DISTRICT COURT**
 11 **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.

CASE NO. 2:90-cv-00520 KJM DAD P

THREE-JUDGE COURT

20 MARCIANO PLATA, et al.,
 21 Plaintiffs,
 22 v.
 23 EDMUND G. BROWN JR., et al.,
 24 Defendants.

CASE NO. C01-1351 JST

THREE-JUDGE COURT

**DECLARATION OF JULIE BASCO IN
 SUPPORT OF DEFENDANTS' MARCH
 2019 STATUS REPORT IN RESPONSE
 TO FEBRUARY 10, 2014 ORDER**

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1 I, Julie Basco, declare as follows:

2 1. I am the Deputy Director of the Office of Research within the Division of
3 Correctional Policy Research and Internal Oversight for the California Department of Corrections
4 and Rehabilitation (CDCR). In this role, I oversee publication of reports that are prepared by
5 CDCR's Division of Correctional Policy Research and Internal Oversight, including the weekly
6 population reports setting forth CDCR's total population, including within in-state institutions,
7 camps and contract beds, the Department of State Hospitals, Community Rehabilitative Program
8 Placements Supervision, out-of-state facilities, non-CDCR jurisdictions, and the parole
9 community.

10 2. Attached as Exhibit A is a true and correct copy of the March 13, 2019 Daily
11 Report of Population. This Daily Report of Population is published on a weekly basis by CDCR's
12 Division of Correctional Policy Research and Internal Oversight as of midnight each Wednesday.

13 3. The Daily Report of Population has historically been made publicly available
14 through CDCR's website. However, due to CDCR's implementation efforts with respect to
15 Assembly Bill 434, the Daily Report of Population is temporarily unavailable for access through
16 CDCR's website.

17
18 I declare under penalty of perjury under the laws of the United States that the foregoing is
19 true and correct. Executed in Sacramento, California on March 14, 2019.

20
21 

22 _____
Julie Basco

EXHIBIT A

California Department of Corrections and Rehabilitation
 Division of Correctional Policy Research and Internal Oversight
 Office of Research
 March 13, 2019

DAILY REPORT OF POPULATION
 AS OF MIDNIGHT March 13, 2019

TOTAL CDCR POPULATION								
	FELON/ OTHER #1	CIVIL ADDICT	TOTAL	CHANGE SINCE 03/13/18		*DESIGN CAPACITY	PERCENT OCCUPIED	STAFFED CAPACITY
				NO.	PCT.			
A. TOTAL IN-CUSTODY/CRPP SUP	126,534		126,534	-2,822	-2.1			
I. IN-STATE	125,191		125,191	-170	-0.1			
(MEN, Subtotal)	119,415		119,415	-131	-0.1			
(WOMEN, Subtotal)	5,776		5,776	-39	-0.6			
1. INSTITUTIONS/CAMPS	117,399		117,399	-237	-0.2	89,763	130.8	125,575
INSTITUTIONS	113,749		113,749	-373	-0.3	85,083	133.7	121,331
CAMPS(CCC, CIW & SCC)	3,650		3,650	+136	+3.8	4,680	78.0	4,244
2. IN-STATE CONTRACT BEDS	6,385		6,385	+22	+0.3			
CCF PRIVATE	2,058		2,058	-7	-0.3			
CCF PUBLIC	1,756		1,756	-13	-0.7			
PRISONER MOTHER PGM	13		13	-9	-40.9			
CALIFORNIA CITY CF	2,363		2,363	+109	+4.8			
FCRF (MCFARLAND)	195		195	-58	-22.9			
3. DSH STATE HOSPITALS	177		177	-88	-33.2			
4. CRPP SUPERVISION	1,230		1,230	+133	+12.1			
ACP	183		183	+71	+63.3			
CCTRP	384		384	+51	+15.3			
MCRP	638		638	+17	+2.7			
MEDICAL PAROLE	25		25	-6	-19.3			
II. OUT OF STATE(COFC)	1,343		1,343	-2,652	-66.3			
ARIZONA	1,343		1,343	-1,714	-56.0			
B. PAROLE	49,215		49,215	+2,775	+5.9			
COMMUNITY SUP(Active)	47,331		47,331	+2,820	+6.3			
COOP CASES (Active) #3	1,884		1,884	-45	-2.3			
C. NON-CDCR JURISDICTION #4	1,053		1,053	+26	+2.5			
OTHER STATE/FED. INST.	322		322	-4	-1.2			
OUT OF STATE PAROLE	685		685	+63	+10.1			
OUT OF STATE PAL	11		11	-4	-26.6			
CYA-W&IC 1731.5(c)								
INSTITUTIONS #5	35		35	-29	-45.3			
D. OTHER POPULATIONS #6	6,308		6,308	+339	+5.6			
INMATES								
OUT-TO-COURT, etc.	1,449		1,449	+124	+9.3			
ESCAPED	199		199	+1	+0.5			
PAROLEES (PAL/RAL)	4,660		4,660	+214	+4.8			
TOTAL CDCR POPULATION	183,110		183,110	+318	+0.1			
CHANGE FROM LAST DAY								
A. TOTAL IN-CUSTODY	+17		+17					
(MEN, Subtotal)	-8		-8					
(WOMEN, Subtotal)	+25		+25					
B. PAROLE	-6		-6					
D. PAROLEES (PAL/RAL)	-7		-7					

This report contains the latest available reliable population figures from SOMS. They have been carefully audited, but are preliminary, and therefore subject to revision.

*CDCR has added 1,584 beds and corresponding administrative and health care support facilities at Mule Creek State Prison-792 beds on February 22, 2016 and an additional 792 beds on March 28, 2016. On December 12, 2016 an additional 792 beds were added to the RJ Donovan Correctional Facility. The parties in the Three-Judge Court proceeding are currently engaged in the court-ordered meet-and-confer process to reach an agreement on how such capacity should be counted.

Report #: SOMS-TPOP-1.

DAILY INSTITUTION/CAMPS POPULATION DETAIL

MIDNIGHT March 13, 2019

INSTITUTIONS/CAMPS	FELON/ OTHER	CIVIL ADDICT	TOTAL	DESIGN CAPACITY	PERCENT OCCUPIED	STAFFED CAPACITY
MALE						
ASP (Avenal SP)	4,088		4,088	2,920	140.0	4,370
CAL (Calipatria SP)	3,539		3,539	2,308	153.3	3,333
CCC (CA Correctional Center)	4,082		4,082	3,883	105.1	4,762
CCI (CA Correctional Institution)	3,958		3,958	2,783	142.2	4,120
CEN (Centinela SP)	3,458		3,458	2,308	149.8	3,333
CHCF (CA Health Care Fac - Stockton)	2,700		2,700	2,951	91.5	2,951
CIM (CA Institution for Men)	3,725		3,725	2,976	125.2	4,186
CMC (CA Men's Colony)	3,589		3,589	3,838	93.5	4,398
CMF (CA Medical Fac)	2,328		2,328	2,361	98.6	2,847
COR (CA SP, Corcoran)	3,372		3,372	3,116	108.2	4,270
CRC (CA Rehabilitation Center)	2,499		2,499	2,491	100.3	3,210
CTF (Correctional Training Fac)	5,467		5,467	3,312	165.1	4,887
CVSP (Chuckawalla Valley SP)	2,736		2,736	1,738	157.4	2,478
DVI (Deuel Vocational Institution)	2,585		2,585	1,681	153.8	2,353
FOL (Folsom SP)	3,007		3,007	2,066	145.5	2,895
HDSP (High Desert SP)	3,192		3,192	2,324	137.3	3,361
ISP (Ironwood SP)	2,531		2,531	2,200	115.0	3,200
KVSP (Kern Valley SP)	3,763		3,763	2,448	153.7	3,522
LAC (CA SP, Los Angeles County)	3,097		3,097	2,300	134.7	3,300
MCSP (Mule Creek SP)	4,030		4,030	3,284	122.7	4,009
NKSP (North Kern SP)	4,150		4,150	2,694	154.0	3,911
PBSP (Pelican Bay SP)	2,524		2,524	2,380	106.1	3,250
PVSP (Pleasant Valley SP)	3,207		3,207	2,308	139.0	3,333
RJD (RJ Donovan Correctional Fac)	3,771		3,771	2,992	126.0	3,942
SAC (CA SP, Sacramento)	2,048		2,048	1,828	112.0	2,449
SATF (CA Substance Abuse Treat Fac)	5,483		5,483	3,424	160.1	5,111
SCC (Sierra Conservation Center)	4,034		4,034	3,936	102.5	4,570
SOL (CA SP, Solano)	4,257		4,257	2,610	163.1	3,882
SQ (San Quentin SP)	3,832		3,832	3,082	124.3	3,984
SVSP (Salinas Valley SP)	3,436		3,436	2,452	140.1	3,409
VSP (Valley SP)	3,085		3,085	1,980	155.8	2,954
WSP (Wasco SP)	4,675		4,675	2,984	156.7	4,351
MALE TOTAL:	112,248		112,248	85,958	130.6	116,931
FEMALE						
CCWF (Central CA Women's Fac)	2,935		2,935	2,004	146.5	2,964
CIW (CA Institution for Women)	1,800		1,800	1,398	128.8	1,877
FOL (Folsom SP)	415		415	403	103.0	530
SQ (San Quentin SP)	1		1	3,082	0.0	3,273
FEMALE TOTAL:	5,151		5,151	3,805	135.4	8,644
INSTITUTIONS/CAMPS TOTAL:	117,399		117,399	89,763	130.8	125,575

California Department of Corrections and Rehabilitation
Division of Correctional Policy Research and Internal Oversight
Office of Research
March 13, 2019

DAILY REPORT OF POPULATION
NOTES
AS OF MIDNIGHT March 13, 2019

- #1 Felon/Other counts are safekeepers, federal cases and inmates from other states, felons, county diagnostic cases and Division of Juvenile Justice youths.
- #3 Cooperative Cases are parolees from other states being supervised in California.
- #4 Non-CDC Jurisdiction are California cases being confined in or paroled to other states or jurisdictions.
- #5 Welfare and Institution Code (W&IC) 1731.5(c) covers persons under the age of 21 who were committed to CDCR, had their sentence amended, and were incarcerated at the Division of Juvenile Justice for housing and program participation.
- #6 Other Population includes inmates temporarily out-to-court, inmates in hospitals, escapees, and parole and outpatient absconders.

EXHIBIT A

Population as of March 13, 2019

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	85,083	113,749	133.7%
Total housed in camps		3,650	
Total housed out of state		1,343	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	4,088	140.0%
California State Prison, Calipatria	2,308	3,539	153.3%
California Correctional Center*	3,883	4,082	105.1%
California Correctional Institution	2,783	3,958	142.2%
California State Prison, Centinela	2,308	3,458	149.8%
California Health Care Facility, Stockton	2,951	2,700	91.5%
California Institution for Men	2,976	3,725	125.2%
California Men's Colony	3,838	3,589	93.5%
California Medical Facility	2,361	2,328	98.6%
California State Prison, Corcoran	3,116	3,372	108.2%
California Rehabilitation Center	2,491	2,499	100.3%
Correctional Training Facility	3,312	5,467	165.1%
Chuckawalla Valley State Prison	1,738	2,736	157.4%
Deuel Vocational Institution	1,681	2,585	153.8%
Folsom State Prison	2,066	3,007	145.5%
High Desert State Prison	2,324	3,192	137.3%
Ironwood State Prison	2,200	2,531	115.0%
Kern Valley State Prison	2,448	3,763	153.7%
California State Prison, Los Angeles	2,300	3,097	134.7%
Mule Creek State Prison	3,284	4,030	122.7%
North Kern State Prison	2,694	4,150	154.0%
Pelican Bay State Prison	2,380	2,524	106.1%
Pleasant Valley State Prison	2,308	3,207	139.0%
RJ Donovan Correctional Facility	2,992	3,771	126.0%
California State Prison, Sacramento	1,828	2,048	112.0%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,483	160.1%
Sierra Conservation Center*	3,936	4,034	102.5%
California State Prison, Solano	2,610	4,257	163.1%
California State Prison, San Quentin	3,082	3,832	124.3%
Salinas Valley State Prison	2,452	3,436	140.1%
Valley State Prison	1,980	3,085	155.8%
Wasco State Prison	2,984	4,675	156.7%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	2,935	146.5%
California Institution for Women*	1,398	1,800	128.8%
Folsom Women's Facility	403	415	103.0%
California State Prison, San Quentin	1	1	0.0%

* The individual Design Capacity and Actual Population figures for California Correctional Center, Sierra Conservation Center and California Institution 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 - March 13, 2019 Weekly Population Report. (See Decl. Julie Basco in Support of Defs.' March 2019 Monthly Status Update, Ex. A.)

EXHIBIT B

OFFICE OF LEGAL AFFAIRS

Howard E. Moseley
General Counsel (A)
P.O. Box 942883
Sacramento, CA 94283-0001



March 11, 2019

Paul Mello
Hanson Bridgett
1676 N. California Blvd., Suite 620
Walnut Creek, CA 94596

Dear Mr. Mello:

Attached please find the California Department of Corrections and Rehabilitation's March, 2019 Status Update for the Three-Judge Court proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Simone A. Renteria".

SIMONE A. RENTERIA
General Counsel, Office of Legal Affairs (A)
California Department of Corrections and Rehabilitation

Attachments:



MARCH 15, 2019 UPDATE TO THE THREE-JUDGE COURT

On February 10, 2014, the Three-Judge Court extended the deadline to achieve the court-ordered reduction in the in-state adult institution population to 137.5% of design capacity to February 28, 2016. (ECF Nos. 2766/5060 & 2767/5061.) This report is CDCR's 62nd report submitted since the Court issued its population-reduction order, and the 50th report submitted since February 2015, when Defendants informed the Court that the population was below the court-ordered reduction. (ECF No. 2838/5278, filed February 17, 2015.) It has now been four years since Defendants have been in full compliance with the population-reduction order. As of March 13, 2019, the State's prison population is 133.7% of design capacity.

A. Update on durability:

As previously reported, Proposition 57, the State's durable remedy that enacts many of the Court-ordered reforms as well as expands credit earning increases and opportunities, was approved by voters in November 2016.

On May 1, 2018, final regulations for Proposition 57 were approved and made permanent. The final regulations can be found at: https://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/NCDR/2017NCR/17-05/Adopted-Regulations-Effective-May-1-2018.pdf.

In December, the Office of Administrative Law approved emergency regulations amending the nonviolent offender parole process to distinguish between determinately and indeterminately sentenced offenders and implement a parole consideration process for indeterminately-sentenced, nonviolent offenders. The emergency regulations went into effect on January 1, 2019 and can be found at: <https://oal.ca.gov/wp-content/uploads/sites/166/2018/12/2018-1211-01EON.pdf>.

The regulations include:

1. Increased credit earning opportunities for all inmates except the condemned and those serving life without parole.

1,441 inmates released in February earned credit authorized by Proposition 57 towards their advanced release date. These inmates earned an estimated average of 123.9 days of additional credit.¹

¹ This number does not include inmates released from fire camps.

2. Determinately Sentenced Nonviolent Offender Parole Process.

CDCR began referring inmates to the Board for this process on July 1, 2017, pursuant to the emergency regulations promulgated on April 13, 2017. From July 1, 2017 through February 28, 2019, 10,521 referrals were made to the Board. As of February 28 2019, 8,587 referrals have been reviewed on the merits, with 1,770 inmates approved for release and 6,817 denied. Additionally, 1,370 referrals have been closed because the Board's jurisdictional review of the inmates' criminal history and central file revealed they were not eligible for parole consideration. The remaining referrals are pending review, including the 30-day period for written input from inmates, victims, and prosecutors and the Board's jurisdictional review process.

3. Indeterminately Sentenced Nonviolent Offender Parole Process.

CDCR began screening indeterminately-sentenced, nonviolent offenders for eligibility in January 2019. As of February 28, 2019, 1,277 inmates have been referred to the Board for a parole consideration hearing, of which 66 were closed because the Board's jurisdictional review of the inmates' criminal history and central file revealed they were not eligible for parole consideration. The remaining referrals are pending parole suitability hearings.

B. Update on Other Measures Defendants Continue to Implement:

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 2,363 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 1,343, including closing the Oklahoma and Mississippi out-of-state facilities.

2. 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 March 9, 2019, the Board has held 133 medical parole hearings under the revised procedures. An additional 29 were scheduled, but were postponed, continued, or cancelled.

3. 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 February 28, 2019, the Board held 3,303 hearings for inmates eligible for elderly parole, resulting in 919 grants, 2,098 denials, 286 stipulations to unsuitability, and there currently are no split votes that require further review by the full Board. An additional 1,496 hearings were scheduled during this time period but were waived, postponed, continued, or cancelled.

As discussed in prior reports, the State enacted Assembly Bill 1448 on October 11, 2017, authorizing an elderly parole program for inmates age 60 or older who have served at least 25 years of incarceration. The State will continue to implement the Court-ordered elderly parole process until this matter is terminated or the February 10, 2014 Order is modified.

4. Reentry programs:

Contracts for the San Diego, San Francisco, Los Angeles, Kern County, and Butte County reentry programs are in place. The State continues to review and refer eligible inmates for placement consideration. As of March 13, 2019, 638 inmates are housed in reentry facilities.

5. Expanded alternative custody program:

The State's expanded 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 are housed at facilities located in San Diego, Santa Fe Springs (LA), Bakersfield, and Stockton. As of March 13, 2019, 384 female inmates are participating in the CCTRP.