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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  
 16 Plaintiffs,  
 17  
 18 **EDMUND G. BROWN JR., et al.,**  
 19 Defendants.

2:90-cv-00520 KJM-DB

**THREE-JUDGE COURT**

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

C01-1351 JST

**THREE-JUDGE COURT**

**DEFENDANTS' AUGUST 2018 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 August 8, 2018, 115,774 inmates were housed in the State's 34 adult institutions  
9 and 2,319 inmates were housed in out-of-state facilities.<sup>1</sup> (Ex. A.) The State's prison population  
10 is approximately 136.1% of design capacity. (Ex. A.)

11  
12 Dated: August 15, 2018

XAVIER BECERRA  
Attorney General of California

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

15  
16 Dated: August 15, 2018

HANSON BRIDGETT LLP

17 By: /s/ *Paul B. Mello*  
PAUL B. MELLO  
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<sup>1</sup> The data in Exhibit A is taken from CDCR's August 8, 2018 weekly population report, available on CDCR's website at <https://sites.cdcr.ca.gov/research/population-reports/>.

# **Exhibit A**

## Population as of August 8, 2018

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions <sup>1</sup>	85,083	115,774	136.1%
Total housed in camps		3,519	
Total housed out of state		2,319	
<b>Individual CDCR Institutions - Men</b>			
Avenal State Prison	2,920	4,348	148.9%
California State Prison, Calipatria	2,308	3,494	151.4%
California Correctional Center*	3,883	4,765	122.7%
California Correctional Institution	2,783	3,367	121.0%
California State Prison, Centinela	2,308	3,348	145.1%
California Health Care Facility, Stockton	2,951	2,693	91.3%
California Institution for Men	2,976	3,672	123.4%
California Men's Colony	3,838	3,965	103.3%
California Medical Facility	2,361	2,421	102.5%
California State Prison, Corcoran	3,116	3,217	103.2%
California Rehabilitation Center	2,491	2,451	98.4%
Correctional Training Facility	3,312	5,338	161.2%
Chuckawalla Valley State Prison	1,738	2,889	166.2%
Deuel Vocational Institution	1,681	1,975	117.5%
Folsom State Prison	2,066	2,396	116.0%
High Desert State Prison	2,324	3,480	149.7%
Ironwood State Prison	2,200	3,030	137.7%
Kern Valley State Prison	2,448	3,657	149.4%
California State Prison, Los Angeles	2,300	3,142	136.6%
Mule Creek State Prison	3,284	4,175	127.1%
North Kern State Prison	2,694	4,319	160.3%
Pelican Bay State Prison	2,380	2,646	111.2%
Pleasant Valley State Prison	2,308	3,028	131.2%
RJ Donovan Correctional Facility	2,992	3,938	131.6%
California State Prison, Sacramento	1,828	2,152	117.7%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,868	171.4%
Sierra Conservation Center*	3,936	4,257	108.2%
California State Prison, Solano	2,610	4,042	154.9%
California State Prison, San Quentin	3,082	4,289	139.2%
Salinas Valley State Prison	2,452	3,207	130.8%
Valley State Prison	1,980	3,521	177.8%
Wasco State Prison	2,984	4,996	167.4%
<b>Individual CDCR Institutions - Women</b>			
Central California Women's Facility	2,004	2,891	144.3%
California Institution for Women*	1,398	1,863	133.3%
Folsom Women's Facility	403	453	112.4%

\* 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.

<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 - August 8, 2018 Weekly Population Report, available at: <https://sites.cdcr.ca.gov/research/population-reports/>.

# **Exhibit B**

**OFFICE OF LEGAL AFFAIRS**

Patrick R. McKinney II  
General Counsel  
P.O. Box 942883  
Sacramento, CA 94283-0001



August 15, 2018

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 August 2018 Status Update for Three-Judge Court proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. McKinney II".

PATRICK R. MCKINNEY II  
General Counsel, Office of Legal Affairs  
California Department of Corrections and Rehabilitation

Attachments



## AUGUST 15, 2018 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 55th report submitted since the Court issued its population-reduction order, and the 43rd 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 more than three years since Defendants have been in full compliance with the population-reduction order. As of August 8, 2018, the State's prison population is 136.1% 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. As a result of Proposition 57, the addition of infill capacity, and several prior measures, Defendants have been able to reduce the number of inmates housed in out-of-state facilities by over 6,000 since February 10, 2014 while maintaining full compliance with the population-reduction order.

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](https://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/NCDR/2017NCR/17-05/Adopted-Regulations-Effective-May-1-2018.pdf).

The regulations include:

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

1,707 inmates released in July earned credit authorized by Proposition 57 towards their advanced release date. These inmates earned an estimated average of 112.9 days of additional credit.<sup>1</sup>

2. 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 July 31, 2018, 7,868 referrals were made to the Board. As of July 31, 2018, 5,367 referrals have been reviewed on the merits, with 1,141 inmates approved for release and 4,226 denied. Many referrals are pending review, including the 30-day period for written

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<sup>1</sup> This number does not include inmates released from fire camps.

input from inmates, victims, and prosecutors and the Board's jurisdictional review process.

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 2,118 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 2,319, 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 August 9, 2018, the Board has held 127 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 July 31, 2018, the Board held 2,820 hearings for inmates eligible for elderly parole, resulting in 746 grants, 1,836 denials, 238 stipulations to unsuitability, and there currently are no split votes that require further review by the full



Board. An additional 1,316 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 August 8, 2018, 616 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 August 8, 2018, 385 female inmates are participating in the CCTRP.