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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-DB  
**THREE-JUDGE COURT**

21 **MARCIANO PLATA, et al.,**  
 22 Plaintiffs,  
 23 v.  
 24 **EDMUND G. BROWN JR., et al.,**  
 25 Defendants.  
 26

C01-1351 JST  
**THREE-JUDGE COURT**  
**DEFENDANTS' MARCH 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 In 2016, CDCR activated 2,376 infill beds and corresponding administrative and health  
 9 care support facilities at Mule Creek State Prison and Richard J. Donovan Correctional Facility.  
 10 (See Ex. B.) On March 14, 2018, the Court approved the parties' stipulation to include these beds  
 11 in CDCR's system-wide capacity when measuring compliance with the Court's population  
 12 reduction order. (ECF 3019/5800.) As of March 14, 2018, 114,220 inmates were housed in the  
 13 State's 34 adult institutions and 4,023 inmates were housed in out-of-state facilities.<sup>1</sup> (Ex. A.)  
 14 The State's prison population is approximately 134.2% of design capacity. (Ex. A.)

15  
 16 Dated: March 15, 2018

XAVIER BECERRA  
 Attorney General of California

17  
 18 By: /s/ *Maneesh Sharma*  
 MANEESH SHARMA  
 Deputy Attorney General  
 Attorneys for Defendants

19  
 20 Dated: March 15, 2018

HANSON BRIDGETT LLP

21  
 22 By: /s/ *Paul B. Mello*  
 PAUL B. MELLO  
 Attorneys for Defendants

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 28 <sup>1</sup> The data in Exhibit A is taken from CDCR's March 14, 2018 weekly population report,  
 available on CDCR's Web site 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 A**

## Population as of March 14, 2018

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions <sup>1</sup>	85,083	114,220	134.2%
Total housed in camps		3,503	
Total housed out of state		4,023	
<b>Individual CDCR Institutions - Men</b>			
Avenal State Prison	2,920	4,291	147.0%
California State Prison, Calipatria	2,308	3,671	159.1%
California Correctional Center*	3,883	4,487	115.6%
California Correctional Institution	2,783	3,325	119.5%
California State Prison, Centinela	2,308	3,338	144.6%
California Health Care Facility, Stockton	2,951	2,597	88.0%
California Institution for Men	2,976	3,515	118.1%
California Men's Colony	3,838	3,894	101.5%
California Medical Facility	2,361	2,369	100.3%
California State Prison, Corcoran	3,116	3,129	100.4%
California Rehabilitation Center	2,491	2,514	100.9%
Correctional Training Facility	3,312	5,276	159.3%
Chuckawalla Valley State Prison	1,738	2,947	169.6%
Deuel Vocational Institution	1,681	2,262	134.6%
Folsom State Prison	2,066	2,377	115.1%
High Desert State Prison	2,324	3,496	150.4%
Ironwood State Prison	2,200	2,838	129.0%
Kern Valley State Prison	2,448	3,421	139.7%
California State Prison, Los Angeles	2,300	3,242	141.0%
Mule Creek State Prison	3,284	4,153	126.5%
North Kern State Prison	2,694	4,304	159.8%
Pelican Bay State Prison	2,380	2,678	112.5%
Pleasant Valley State Prison	2,308	2,841	123.1%
RJ Donovan Correctional Facility	2,992	3,876	129.5%
California State Prison, Sacramento	1,828	2,151	117.7%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,777	168.7%
Sierra Conservation Center*	3,936	4,245	107.9%
California State Prison, Solano	2,610	3,824	146.5%
California State Prison, San Quentin	3,082	3,793	123.1%
Salinas Valley State Prison	2,452	3,471	141.6%
Valley State Prison	1,980	3,496	176.6%
Wasco State Prison	2,984	4,951	165.9%
<b>Individual CDCR Institutions - Women</b>			
Central California Women's Facility	2,004	2,943	146.9%
California Institution for Women*	1,398	1,824	130.5%
Folsom Women's Facility	403	406	100.7%

\* 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 - March 14, 2018 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**

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



March 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 March 2018 Status Update for Three-Judge Court proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "PR McKinney II".

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

Attachments



### **MARCH 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 50th report submitted since the Court issued its population-reduction order, and the 38th 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 March 14, 2018, the State's prison population is 134.2 % of design capacity.<sup>1</sup>

#### A. Update on durability:

Defendants' prior reports discuss in detail the prior significant measures they have implemented to comply with the population-reduction orders, including the following:

- Assembly Bills 1308 and 1448, and Senate Bills 180 and 394 (2017).
- Proposition 57, The Public Safety and Rehabilitation Act of 2016.
- Senate Bill 260 (2013) and Senate Bill 261 (2015).
- Senate Bill 230 (2015).
- Proposition 47 (2014).
- Proposition 36 (2012).

Rather than continue to repeat that discussion, this report focuses on Defendants' implementation of Proposition 57, the State's durable remedy which enacts many of the Court-ordered reforms. The regulations have been effective since April 13, 2017, and include:

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

Proposition 57 codifies and expands the February 10, 2014 Court-ordered credit increases. Proposition 57's Milestone Completion, Rehabilitative Achievement, Educational Merit, and Extraordinary Conduct Credits have also been implemented. 1,338 inmates released in February earned credit authorized by Proposition 57 towards their advanced release date. These inmates earned an estimated average of 94.5 days of additional credit.<sup>2</sup>

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<sup>1</sup> In 2016, CDCR activated 2,376 infill beds and corresponding administrative and health care support facilities at Mule Creek State Prison and Richard J. Donovan Correctional Facility. On March 14, 2018, Court approved the parties' stipulation include these beds in CDCR's system-wide design capacity for the purposes of the compliance calculation. (ECF No. 3019/5800).

<sup>2</sup> This number does not include inmates released from fire camps.

2. Proposition 57's nonviolent offender parole process.

CDCR began referring inmates to the Board for this process on July 1, 2017. From July 1, 2017 through February 28, 2018, 5,224 referrals were made to the Board (including 457 inmates who had previously been referred to the Board under the nonviolent second-striker parole consideration process, but were eligible for an earlier review under the nonviolent offender parole process). As of February 28, 2018, 4,067 referrals have been reviewed on the merits, with 824 inmates approved for release and 3,243 denied. Many referrals are pending review, including the 30-day period for written 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 2,235 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 4,023 and has closed the Oklahoma out-of-state facility.

2. Parole determination process whereby nonviolent second-strikers will be eligible for parole consideration by the Board once having served 50% of their sentence:

As authorized by the Court's June 20, 2017 Order, Defendants stopped referring inmates to the Board for this parole process on June 30, 2017. From January 1, 2015 through June 30, 2017, 12,677 referrals were made to the Board for review. From January 1, 2015 through February 28, 2018, the Board approved 4,559 inmates for release and denied release to 5,493 inmates. Some cases are pending review until the inmate is within 60 days of his or her 50 percent time-served date. 457 inmates pending review



under this measure have transitioned to the new nonviolent offender parole process because they were eligible for an earlier review under the new process.

3. 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, 2018, the Board has held 123 medical parole hearings under the revised procedures. An additional 28 were scheduled, but were postponed, continued, or cancelled.

4. 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, 2018, the Board held 2,575 hearings for inmates eligible for elderly parole, resulting in 679 grants, 1,680 denials, 216 stipulations to unsuitability, and there currently are no split votes that require further review by the full Board. An additional 1,199 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.

5. 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 14, 2018, 623 inmates are housed in reentry facilities.

6. 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 14, 2018, 332 female inmates are participating in the CCTRP.