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IN THE UNITED STATES DISTRICT COURTS

FOR THE EASTERN DISTRICT OF CALIFORNIA

AND THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES

PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

RALPH COLEMAN, et al., Plaintiffs, **v.** **EDMUND G. BROWN JR., et al.,** Defendants.	2:90-cv-00520 KJM KJN PC **THREE-JUDGE COURT**
MARCIANO PLATA, et al., Plaintiffs, **v.** **EDMUND G. BROWN JR., et al.,** Defendants.	C01-1351 TEH **THREE-JUDGE COURT** **DEFENDANTS' JANUARY 2016 STATUS REPORT IN RESPONSE TO FEBRUARY 10, 2014 ORDER**

The State submits this status report on the current in-state and out-of-state adult prison populations and the measures being taken to reduce the prison population in response to the Court's February 10, 2014 Order Granting in Part and Denying Part Defendants' Request for Extension of December 31, 2013 Deadline (February 10, 2014 Order).

Exhibit A sets forth the current design bed capacity, population, and population as a percentage of design bed capacity for each state prison and for all state prisons combined. As of January 13, 2016, 112,737 inmates were housed in the State's 34 adult institutions, which amounts to 136.3% of design bed capacity, and 5,173 inmates were housed in out-of-state facilities.[1] The current population is 985 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015. (*See* Ex. A.) Exhibit B sets forth the status of the measures detailed in the February 10, 2014 Order that Defendants have implemented to reduce the prison population. (ECF 2766/5060 at ¶¶ 4-5.)

Dated: January 15, 2016

KAMALA D. HARRIS
Attorney General of California

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

Dated: January 15, 2016

HANSON BRIDGETT LLP

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

[1] The data in Exhibit A is taken from CDCR's January 13, 2016 weekly population report, available on CDCR's Web site at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad160113.pdf

Exhibit A

Exhibit A

Population as of January 13, 2016

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions[1]	82,707	112,737	136.3%
Total housed in camps		3,582	
Total housed out of state		5,173	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	3,332	114.1%
California State Prison, Calipatria	2,308	3,823	165.6%
California Correctional Center*	3,883	3,909	100.7%
California Correctional Institution	2,783	3,609	129.7%
California State Prison, Centinela	2,308	3,166	137.2%
California Health Care Facility, Stockton	2,951	2,198	74.5%
California Institution for Men	2,976	3,489	117.2%
California Men's Colony	3,838	4,007	104.4%
California Medical Facility	2,361	2,520	106.7%
California State Prison, Corcoran	3,116	4,129	132.5%
California Rehabilitation Center	2,491	2,810	112.8%
Correctional Training Facility	3,312	5,090	153.7%
Chuckawalla Valley State Prison	1,738	2,349	135.2%
Deuel Vocational Institution	1,681	2,616	155.6%
Folsom State Prison	2,066	2,370	114.7%
High Desert State Prison	2,324	3,562	153.3%
Ironwood State Prison	2,200	3,429	155.9%
Kern Valley State Prison	2,448	3,906	159.6%
California State Prison, Los Angeles	2,300	3,585	155.9%
Mule Creek State Prison	1,700	2,793	164.3%
North Kern State Prison	2,694	4,213	156.4%
Pelican Bay State Prison	2,380	2,390	100.4%
Pleasant Valley State Prison	2,308	3,094	134.1%
RJ Donovan Correctional Facility	2,200	3,206	145.7%
California State Prison, Sacramento	1,828	2,281	124.8%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,421	158.3%
Sierra Conservation Center*	3,836	4,350	113.4%
California State Prison, Solano	2,610	3,854	147.7%
California State Prison, San Quentin	3,082	3,750	121.7%
Salinas Valley State Prison	2,452	3,649	148.8%
Valley State Prison	1,980	3,475	175.5%
Wasco State Prison	2,984	4,781	160.2%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	2,743	136.9%
California Institution for Women*	1,398	1,936	138.5%
Folsom Women's Facility	403	484	120.1%

* 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 - January 13, 2016 Weekly Population Report, available at:
http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html.

Exhibit B

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION EDMUND G. BROWN JR., GOVERNOR

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

January 15, 2016

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

Dear Mr. Mello:

Attached, please find California Department of Corrections and Rehabilitation's Status Update for 3JP.

Sincerely,

Patrick R. McKinney II
General Counsel, Office of Legal Affairs
California Department of Corrections and Rehabilitation

Attachments

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JANUARY 15, 2016 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 January 15, 2016 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 136.3% of design capacity.

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 1,882 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 5,173 and has closed the Oklahoma out-of-state facility. Under the Fiscal Year 2015-16 budget, approximately 270 additional out-of-state beds will be reduced by the end of June 2016.

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 December 31, 2015, the Board held 925

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youth offender hearings, resulting in 249 grants, 581 denials, 95 stipulations to unsuitability, and there are currently no split votes that require referral to the full Board for further consideration. An additional 485 hearings were scheduled during this time period, but were waived, postponed, continued, or cancelled. On October 3, 2015, the State enacted Senate Bill 261, which expands the youth offender parole process described above to include inmates who committed their controlling offense before the age of 23. Inmates who are immediately eligible for a hearing will receive a hearing date by January 1, 2018, if sentenced to an indeterminate life term, and by December 31, 2021, if sentenced to a determinate life term.

On October 3, 2015, the State also enacted Senate Bill 230, which provides that life inmates who are granted parole will be eligible for release, subject to applicable review periods, upon reaching their minimum eligible parole date. Life inmates will no longer be granted parole with future parole dates.

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 December 23, 2015, approximately 2,168 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 January 6, 2016, approximately 4,532 inmates have been released under Proposition 47.

4. <u>Prospective credit-earning increase for non-violent, non-sex registrant second-strike offenders and minimum custody inmates:</u>

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 December, 269 inmates were released as a result of the court-ordered credit increases.[1] These inmates earned an average of 148.8 days of additional credit. Of the 269 inmates released in December, 171 earned milestone completion credits toward their advanced release date. Since April 2014, approximately 3,682 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 663 inmates who are currently eligible under this program. Since January 1, 2015, 2,728 total inmates have been released receiving expanded 2-for-1 earnings.

[1] Of the 269 inmates, 165 were released to Post Release Community Supervision and 104 were released to parole.

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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 December 31, 2015, 3,747 non-violent second-strike inmates were referred to the Board for review for parole. During this time period, the Board approved 1,660 inmates for release and denied release to 1,595 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.

6. Parole determination process for certain inmates with indeterminate sentences granted parole with future parole dates:

The Board authorized the release of 16 inmates who were granted parole with future dates since the last report to the Court. As described above, Senate Bill 230, which took effect on January 1, 2016, provides that life inmates who are granted parole will be eligible for release, subject to applicable review periods, upon reaching their minimum eligible parole date as long as they have no outstanding holds, detainers, warrants, or *Thompson* terms. As a result, commencing January 1, 2016, the Board will issue release memoranda for all inmates whose future release dates were eliminated as a result of SB 230 and have reached their minimum eligible release date.

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 January 9, 2016, the Board has held 65 medical parole hearings under the revised procedures. An additional 20 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 December 31, 2015, the Board has held 1,080 hearings for inmates eligible for elderly parole, resulting in 288 grants, 710 denials, 82 stipulations to unsuitability, and there currently are no split votes that require further review by the full Board. An additional 496 hearings were scheduled during this time period but were waived, postponed, continued, or cancelled.

9. Reentry programs:

Contracts for the San Francisco, Marin, Los Angeles, and Kern County reentry programs are in place. The State continues to review and refer eligible inmates to county officials for consideration for placement. As of January 14, 2016, the 150-bed facility in Los Angeles County houses 109 inmates and the 50-bed facility in Kern County houses 15 inmates.

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10. Expanded alternative custody program:

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 are housed at one of three facilities located in San Diego, Santa Fe Springs (LA), and Bakersfield.

As of January 14, 2016, the 82-bed San Diego facility houses 76 female inmates, the 82-bed Santa Fe Springs (LA) facility houses 80 female inmates, and the 75-bed Bakersfield facility houses 75 female inmates.