

1 KAMALA D. HARRIS
 Attorney General of California
 2 JONATHAN L. WOLFF
 Senior Assistant Attorney General
 3 DEBBIE VOROUS, State Bar No. 166884
 WILLIAM KWONG, State Bar No. 168010
 4 DANIELLE F. O'BANNON, State Bar No.
 207095
 5 KYLE A. LEWIS, State Bar No. 201041
 PATRICK R. MCKINNEY, State Bar No. 215228
 6 DAVID BRICE, State Bar No. 269443
 Deputy Attorneys General
 7 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 8 Telephone: (415) 703-3035
 Fax: (415) 703-5843
 9 E-mail: Patrick.McKinney@doj.ca.gov
Attorneys for Defendants

Hanson Bridgett LLP
 JERROLD C. SCHAEFER, State Bar No. 39374
 PAUL B. MELLO, State Bar No. 179755
 WALTER R. SCHNEIDER, State Bar No. 173113
 MEGAN C. OLIVER, State Bar No. 256654
 SAMANTHA D. WOLFF, State Bar No. 240280
 RENJU P. JACOB, State Bar No. 242388
 PAUL B. GRUWELL, State Bar No. 252474
 425 Market Street, 26th Floor
 San Francisco, California 94105
 Telephone: (415) 777-3200
 Fax: (415) 541-9366
 E-mail: pmello@hansonbridgett.com

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

16 **RALPH COLEMAN, et al.,**
 17
 Plaintiffs,
 18
 v.
 19
 20 **EDMUND G. BROWN JR., et al.,**
 21
 Defendants.

2:90-cv-00520 LKK JFM P
THREE-JUDGE COURT

22 **MARCIANO PLATA, et al.,**
 23
 Plaintiffs,
 24
 v.
 25
 26 **EDMUND G. BROWN JR., et al.,**
 27
 Defendants.

C01-1351 TEH
THREE-JUDGE COURT
**DEFENDANTS' JANUARY 2012 STATUS
 REPORT IN RESPONSE TO JUNE 30,
 2011 ORDER**

1 **I. DEFENDANTS MET THE COURT’S FIRST BENCHMARK BY REDUCING THE IN-STATE**
 2 **PRISON POPULATION TO LESS THAN 167% OF DESIGN CAPACITY.**

3 Defendants have achieved the Court’s first benchmark of reducing the in-state prison
 4 population to no more than 167% of design capacity. Exhibit A sets forth the current design
 5 capacity, population, and population as a percentage of design capacity for each state prison and
 6 for all state prisons combined.¹ Exhibit A shows that as of December 28, 2011, 132,887 inmates
 7 were housed in the state’s adult institutions, which amounts to 166.8% of design capacity.² This
 8 is 11,301 fewer inmates than were housed in California prisons as recently as October 1, 2011,
 9 when California’s historic public safety realignment was implemented under Assembly Bill 109,
 10 and 18,149 fewer inmates than when the Court issued its prisoner reduction order in January
 11 2010. (*See* Decl. Ross Meier Supp. Defs.’ Jan. 2012 Status Rep. (Meier Decl.), ¶ 3.)³

12 **II. THE IN-STATE PRISON POPULATION IS BEING REDUCED PRIMARILY THROUGH**
 13 **PUBLIC SAFETY REALIGNMENT.**

14 In its January 12, 2010 order, the Court stated that it was “not endorsing or ordering the
 15 implementation of any of the specific measures contained in the State’s plan, only that the State
 16 reduce the prison population to the extent and at the times designated in this Order.” (Dkt. No.
 17 3767 at p. 3.) The Court further recognized its “limited role” and the need to “afford the State
 18 maximum flexibility in its efforts to achieve the constitutionally required population reduction.”
 19 (*Id.* at pp. 2 & 3.) With these guidelines in mind, Defendants briefly report on the reductions
 20 associated with the individual measures described in Defendants’ November 12, 2009 population
 21

22 ¹ Although Exhibit A reports design capacity and actual population in the aggregate and
 23 by institution, Defendants note that the Supreme Court recognized that the Court’s order affords
 24 “the State flexibility to accommodate differences between institutions” and there is “no
 requirement that every facility comply with the 137.5% limit.” *Brown v. Plata*, 131 S. Ct 1910,
 1940-41, 179 L. Ed. 2d 969, 1000 (U.S. 2011).

25 ² The data in Exhibit A is taken from CDCR’s January 3, 2012 weekly population report,
 26 available on CDCR’s web site at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html.

27 ³ On January 12, 2010, California housed 151,036 inmates in its 33 in-state prisons. (*See*
 28 http://www.cdcr.ca.gov/reports_research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad100113.pdf.) As reported in Defendants’ October 14, 2011 report (*see* Dkt. No. 4099-1), the in-state prison population when realignment began was 144,188 inmates.

1 reduction plan, as well as the additional population reduction measures that Defendants
2 subsequently adopted, as directed by the Court's June 30, 2011 order. (Dkt. No. 4032, at p. 2.)

3 The prison crowding reductions that have been achieved are primarily attributable to the
4 landmark realignment legislation that went into effect October 1, 2011. This is apparent from the
5 fact that of the total population reduction of more than 18,000 inmates that has been achieved
6 since January 2010, the population dropped by more than 11,000 inmates in just the last few
7 months since realignment has been in effect. (Decl. Jay Atkinson Supp. Defs.' Jan. 2012 Status
8 Rep. (Atkinson Decl.), ¶ 4.) In addition to realignment, the measures described in Defendants'
9 November 12, 2009 plan have also contributed, to a lesser degree, to the reduction in prison
10 crowding. (*Id.* at ¶ 5.) For example, Senate Bill 18 XXX (enacted January 2010) has reduced the
11 prison population through enhanced sentencing credits, changes to parole rules which resulted in
12 fewer parolees returning to state prison, funding for community-corrections programs for felony
13 probationers, and by redefining certain crimes so that fewer crimes result in felony convictions
14 and prison sentences.⁴ (*Id.*) Although it is not possible to specify the precise population
15 reductions associated with each of these measures, they have all contributed to the reductions in
16 prison crowding that Defendants have achieved. (*Id.* at ¶ 6.)

17 In addition to reducing the population, Defendants are also increasing design capacity by
18 constructing new health care facilities, including a new 64-bed Intermediate Care Facility at the
19 California Medical Facility, which is scheduled to open in early 2012; a new 45-bed Intermediate
20 Care Facility at the California Institution for Women, which is scheduled to open in early to mid-
21 2012; and the new California Health Care Facility in Stockton, which will house 1,722 inmates
22 and is expected to open in 2013. (Meier Decl., ¶ 4.)

23
24
25
26
27
28

⁴ Another example is Defendants' California Out-of-State Correctional Facility program. As of December 28, 2011, 9,312 inmates were housed in out-of-state facilities. (*See* report dated January 3, 2012 at http://www.cdcr.ca.gov/reports_research/Offender_Information_Services_Branch/Population_Reports.html.)

1 **III. DEFENDANTS CONTINUE TO PROJECT THAT THE IN-STATE PRISON POPULATION**
2 **WILL BE REDUCED TO 155% OF DESIGN CAPACITY AT OR NEAR THE COURT’S**
3 **JUNE 27, 2012 BENCHMARK.**

4 Defendants previously reported that the in-state prison population would be reduced to
5 155% of design capacity at or near the Court’s June 27, 2012 benchmark. (Meier Decl., ¶ 5.)
6 CDCR is currently preparing the spring 2012 population projection, and expects to have updated
7 projections at the end of February 2012. (Atkinson Decl., ¶ 7.) Defendants will refine their
8 projection concerning the June 27, 2012 benchmark once the spring 2012 population projection is
9 complete. (*Id.*) Because Defendants met the Court’s first benchmark and Defendants’ best
10 projections continue to show that they will achieve the next benchmark at or near the June 27,
11 2012 target date, there is no need at this time to undertake additional crowding-reduction
12 measures to achieve compliance. (Meier Decl., ¶ 5.)

12 Dated: January 6, 2012

HANSON BRIDGETT LLP

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

15 Dated: January 6, 2012

KAMALA D. HARRIS
Attorney General of California

17 By: */s/ Patrick R. McKinney*
18 PATRICK R. MCKINNEY
19 Deputy Attorney General
Attorneys for Defendants

20 CF1997CS0003
21 40502024.docx

22
23
24
25
26
27
28

Exhibit A

Exhibit A

Population as of December 28, 2011

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions	79,650	132,887	166.8%
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	5,719	195.9%
California Correctional Center*	3,883	5,204	134.0%
California Correctional Institution	2,783	5,036	181.0%
California Institution for Men	2,976	5,284	177.6%
California Medical Facility	2,297	2,569	111.8%
California Men's Colony	3,838	5,876	153.1%
California Rehabilitation Center	2,491	4,039	162.1%
California State Prison, Calipatria	2,308	4,337	187.9%
California State Prison, Centinela	2,308	3,869	167.6%
California State Prison, Corcoran	3,116	4,794	153.9%
California State Prison, Los Angeles	2,300	3,870	168.3%
California State Prison, Sacramento	1,828	2,836	155.1%
California State Prison, San Quentin	3,082	4,398	142.7%
California State Prison, Solano	2,610	4,423	169.5%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,981	174.7%
Chuckawalla Valley State Prison	1,738	3,103	178.5%
Correctional Training Facility	3,312	6,278	189.6%
Deuel Vocational Institution	1,681	3,138	186.7%
Folsom State Prison	2,469	3,262	132.1%
High Desert State Prison	2,324	4,089	175.9%
Ironwood State Prison	2,200	3,972	180.5%
Kern Valley State Prison	2,448	4,382	179.0%
Mule Creek State Prison	1,700	3,449	202.9%
North Kern State Prison	2,694	4,409	163.7%
Pelican Bay State Prison	2,380	3,158	132.7%
Pleasant Valley State Prison	2,308	3,760	162.9%
RJ Donovan Correctional Facility	2,200	3,861	175.5%
Salinas Valley State Prison	2,452	3,958	161.4%
Sierra Conservation Center*	3,736	5,034	134.7%
Wasco State Prison	2,984	4,955	166.1%
Individual CDCR Institutions - Women			
California Institution for Women*	1,356	1,949	143.7%
Central California Women's Facility	2,004	3,234	161.4%
Valley State Prison	1,980	2,775	140.2%

* 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.

Source - January 3, 2012 Weekly Population Report, available at:

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

1 KAMALA D. HARRIS
 Attorney General of California
 2 JONATHAN L. WOLFF
 Senior Assistant Attorney General
 3 DEBBIE VOROUS, State Bar No. 166884
 WILLIAM KWONG, State Bar No. 168010
 4 DANIELLE F. O'BANNON, State Bar No.
 207095
 5 KYLE A. LEWIS, State Bar No. 201041
 PATRICK R. MCKINNEY, State Bar No. 215228
 6 DAVID BRICE, State Bar No. 269443
 Deputy Attorneys General
 7 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 8 Telephone: (415) 703-3035
 Fax: (415) 703-5843
 9 E-mail: Patrick.McKinney@doj.ca.gov
Attorneys for Defendants

Hanson Bridgett LLP
 JERROLD C. SCHAEFER, State Bar No. 39374
 PAUL B. MELLO, State Bar No. 179755
 WALTER R. SCHNEIDER, State Bar No. 173113
 MEGAN C. OLIVER, State Bar No. 256654
 SAMANTHA D. WOLFF, State Bar No. 240280
 RENJU P. JACOB, State Bar No. 242388
 PAUL B. GRUWELL, State Bar No. 252474
 425 Market Street, 26th Floor
 San Francisco, California 94105
 Telephone: (415) 777-3200
 Fax: (415) 541-9366
 E-mail: pmello@hansonbridgett.com

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

16 **RALPH COLEMAN, et al.,**
 17
 Plaintiffs,
 18
 v.
 19
 20 **EDMUND G. BROWN JR., et al.,**
 21
 Defendants.

2:90-cv-00520 LKK JFM P
THREE-JUDGE COURT

22 **MARCIANO PLATA, et al.,**
 23
 Plaintiffs,
 24
 v.
 25
 26 **EDMUND G. BROWN JR., et al.,**
 27
 Defendants.

C01-1351 TEH
THREE-JUDGE COURT
**DECLARATION OF JAY ATKINSON IN
 SUPPORT OF DEFENDANTS' JANUARY
 2012 STATUS REPORT IN RESPONSE
 TO JUNE 30, 2011 ORDER**

1 I, JAY ATKINSON, declare as follows:

2 1. I am the Chief of the Offender Information Services Branch for the California
3 Department of Corrections and Rehabilitation (CDCR). I have been with the Offender
4 Information Services Branch of CDCR since 1999, and have assisted in gathering data maintained
5 by CDCR on numerous occasions. I am competent to testify to the matters set forth in this
6 declaration, and if called upon to do so, I would and could so testify. I submit this declaration in
7 support of Defendants' January 2012 Status Report to the Court's June 30, 2011 order.

8 2. As Chief of the Offender Information Services Branch, I am responsible for
9 management and oversight of the Offender Information Services Branch that supplies research
10 and analysis to CDCR and outside agencies regarding population estimates and projections. I am
11 responsible for the development of CDCR's spring and fall population projections and I know
12 how they are developed.

13 3. CDCR's most recent weekly report of population, which includes data through
14 December 28, 2011, reflects that as of that date, the actual population for in-state adult
15 institutions was 132,887 inmates, or 166.8% of design capacity. As comparison, there are 11,301
16 fewer inmates than were housed in California's prisons as recently as October 11, 2011, when
17 California's historic public safety realignment was implemented, and 18,149 fewer inmates than
18 when the Court issued its January 12, 2010 prisoner reduction order.

19 4. The population reduction of 11,301 inmates since October 1, 2011 was achieved
20 through a number of measures, but is primarily attributable to Assembly Bill 109, the landmark
21 prison realignment legislation that went into effect on October 1, 2011.

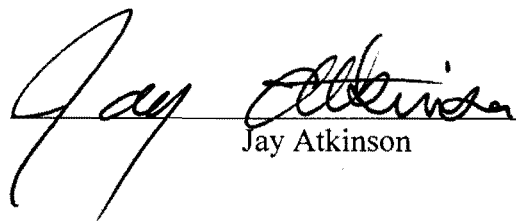
22 5. The individual measures summarized in Defendants' November 12, 2009
23 population reduction plan have also contributed, to a lesser degree, to the population reduction of
24 more than 18,000 inmates since January 2010. For example, Senate Bill 18 XXX (enacted
25 January 2010) has reduced the prison population through enhanced sentencing credits, changes to
26 parole rules which resulted in fewer parolees returning to state prison, funding for community-
27 corrections programs to implement and expand evidence-based programs for felony probationers,
28 and by redefining certain crimes so that fewer crimes result in felony convictions and prison

1 sentences.

2 6. Realignment and one or more of the population reduction measures summarized in
3 Defendants' November 12, 2009 plan may have had an effect on why a particular inmate was not
4 sentenced or returned to state prison, and thus reduced the prison population. Although it is not
5 possible to specify the precise population associated with each of these measures, they have all
6 contributed to the reductions in prisons crowding that Defendants have achieved.

7 7. CDCR is currently preparing the spring 2012 population projection, and expects to
8 have updated projections at the end of February 2012. Defendants will refine their projection
9 concerning the June 27, 2012 benchmark once the spring 2012 population projection is complete.

10 I declare under the penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed in Sacramento, California on January 6, 2012.

12
13 
14 Jay Atkinson

15 CF1997CS0003
16 40502128.docx

17
18
19
20
21
22
23
24
25
26
27
28

1 KAMALA D. HARRIS
 Attorney General of California
 2 JONATHAN L. WOLFF
 Senior Assistant Attorney General
 3 DEBBIE VOROUS, State Bar No. 166884
 WILLIAM KWONG, State Bar No. 168010
 4 DANIELLE F. O'BANNON, State Bar No.
 207095
 5 KYLE A. LEWIS, State Bar No. 201041
 PATRICK R. MCKINNEY, State Bar No. 215228
 6 DAVID BRICE, State Bar No. 269443
 Deputy Attorneys General
 7 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 8 Telephone: (415) 703-3035
 Fax: (415) 703-5843
 9 E-mail: Patrick.McKinney@doj.ca.gov
Attorneys for Defendants

Hanson Bridgett LLP
 JERROLD C. SCHAEFER, State Bar No. 39374
 PAUL B. MELLO, State Bar No. 179755
 WALTER R. SCHNIDER, State Bar No. 173113
 MEGAN C. OLIVER, State Bar No. 256654
 SAMANTHA D. WOLFF, State Bar No. 240280
 RENJU P. JACOB, State Bar No. 242388
 PAUL B. GRUWEL, State Bar No. 252474
 425 Market Street, 26th Floor
 San Francisco, California 94105
 Telephone: (415) 777-3200
 Fax: (415) 541-9366
 E-mail: pmello@hansonbridgett.com

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

16 **RALPH COLEMAN, et al.,**
 17
 Plaintiffs,
 18
 v.
 19
 20 **EDMUND G. BROWN JR., et al.,**
 21
 Defendants.

2:90-cv-00520 LKK JFM P
THREE-JUDGE COURT

22 **MARCIANO PLATA, et al.,**
 23
 Plaintiffs,
 24
 v.
 25
 26 **EDMUND G. BROWN JR., et al.,**
 27
 Defendants.

C01-1351 TEH
THREE-JUDGE COURT
**DECLARATION OF ROSS MEIER IN
 SUPPORT OF DEFENDANTS' JANUARY
 2012 STATUS REPORT IN RESPONSE
 TO JUNE 30, 2011 ORDER**

1 I, ROSS MEIER, declare as follows:

2 1. I am the Chief of the Population Management Unit of the Division of Adult
3 Institutions for the California Department of Corrections and Rehabilitation (CDCR). I have been
4 employed in this position since March 2010 and have been with the Population Management Unit
5 since 2003. I have assisted in gathering data maintained by CDCR on numerous occasions. I am
6 competent to testify to the matters set forth in this declaration, and if called upon to do so, I would
7 and could so testify. I submit this declaration in support of Defendants' January 2012 Status
8 Report to the Court's June 30, 2011 order.

9 2. As part of my duties, I manage the day-to-day intake of offenders from county
10 jails, and the movement and housing of inmates throughout the state prison system. On October
11 1, 2011, the state implemented public safety realignment under Assembly Bill 109. CDCR's
12 most recent weekly report of population, which includes data through December 28, 2011,
13 reflects that as of that date, the actual population for in-state adult institutions was 132,887
14 inmates, or 166.8% of design capacity.

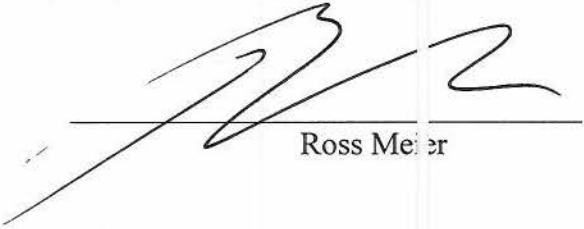
15 3. As comparison, there are 11,301 fewer inmates than were housed in California's
16 prisons as recently as October 11, 2011, when California's historic public safety realignment was
17 implemented, and 18,149 fewer inmates than when the Court issued its January 12, 2010 prisoner
18 reduction order.

19 4. Defendants are currently constructing new health care facilities that will increase
20 design capacity, including at the California Medical Facility (64-bed Intermediate Care Facility,
21 scheduled for activation in early 2012), the California Institution for Women (45-bed
22 Intermediate Care Facility, scheduled for activation in early to mid-2012), and the California
23 Health Care Facility in Stockton, which will house 1,722 inmates and is expected to open in 2013.

24 5. Based on the current population and CDCR's revised population management
25 plan, CDCR continues to project that Defendants will reach 155% of design capacity on or about
26 June 27, 2012. Because Defendants' best projections show that they will be at or near 155% of
27 design bed capacity at the time of the June 2012 benchmark, there appears to be no need to
28 implement additional measures or to ask the Court to extend the benchmark dates at this time.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Sacramento, California on January 6, 2012.



Ross Meier

CF1997CS0003
20537337.doc