

EXHIBIT A

Exhibit A

Population as of May 13, 2020

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	85,083	108,850	127.9%
Total housed in camps		3,159	
Total housed out of state		0	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	4,170	142.8%
California State Prison, Calipatria	2,308	2,924	126.7%
California Correctional Center*	3,883	4,029	103.8%
California Correctional Institution	2,783	3,494	125.5%
California State Prison, Centinela	2,308	3,271	141.7%
California Health Care Facility, Stockton	2,951	2,737	92.7%
California Institution for Men	2,976	3,336	112.1%
California Men's Colony	3,838	3,718	96.9%
California Medical Facility	2,361	2,382	100.9%
California State Prison, Corcoran	3,116	3,700	118.7%
California Rehabilitation Center	2,491	3,283	131.8%
Correctional Training Facility	3,312	4,772	144.1%
Chuckawalla Valley State Prison	1,738	2,312	133.0%
Deuel Vocational Institution	1,681	2,038	121.2%
Folsom State Prison	2,066	2,679	129.7%
High Desert State Prison	2,324	3,271	140.7%
Ironwood State Prison	2,200	3,191	145.0%
Kern Valley State Prison	2,448	3,528	144.1%
California State Prison, Los Angeles	2,300	3,159	137.3%
Mule Creek State Prison	3,284	3,937	119.9%
North Kern State Prison	2,694	3,612	134.1%
Pelican Bay State Prison	2,380	2,603	109.4%
Pleasant Valley State Prison	2,308	3,051	132.2%
RJ Donovan Correctional Facility	2,992	3,794	126.8%
California State Prison, Sacramento	1,828	2,352	128.7%
California Substance Abuse Treatment Facility, Corcoran	3,424	4,824	140.9%
Sierra Conservation Center*	3,836	3,973	103.6%
California State Prison, Solano	2,610	3,737	143.2%
California State Prison, San Quentin	3,082	3,751	121.7%
Salinas Valley State Prison	2,452	2,872	117.1%
Valley State Prison	1,980	2,955	149.2%
Wasco State Prison	2,984	4,114	137.9%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	2,635	131.5%
California Institution for Women*	1,398	1,534	109.7%
Folsom Women's Facility	403	271	67.2%

* 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 - May 13, 2020 Weekly Population Report, available at: <https://www.cdcr.ca.gov/research/population-reports-2/>.

EXHIBIT B

OFFICE OF LEGAL AFFAIRS

Jennifer Neill
General Counsel
P.O. Box 942883
Sacramento, CA 94283-0001



May 13, 2020

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

Dear Mr. Mello:

Attached please find the California Department of Corrections and Rehabilitation's May 2020 Status Update for the Three-Judge Court proceeding.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Neill".

JENNIFER NEILL
General Counsel, Office of Legal Affairs
California Department of Corrections and Rehabilitation



MAY 15, 2020 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 74th report submitted since the Court issued its population-reduction order, and the 62nd 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 over five years since Defendants have been in full compliance with the population-reduction order. As of May 13, 2020, the State's prison population is 127.9% 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 opportunities, was approved by voters in November 2016.

On May 1, 2018, regulations for Proposition 57 were approved and made permanent. Information about these regulations can be found at: <https://www.cdcr.ca.gov/proposition57/>.

Later, in December 2018, the Office of Administrative Law approved two emergency regulation packages which: (1) amend the nonviolent offender parole process to distinguish between determinately and indeterminately sentenced offenders and implement a parole consideration process for indeterminately sentenced, nonviolent offenders ("Nonviolent Offender Package"); and (2) expands credit earning opportunities ("Credit Earning Package") for inmates who achieve a High School diploma or its equivalent or who complete 52 hours of programming under the Rehabilitative Achievement Credit program. The Credit Earning Package also reduces the minimum amount of time an inmate must serve until released following a sudden award of substantial credit. The Credit Earning Package went into effect on January 9, 2019.

The Nonviolent Offender Package went into effect on January 1, 2019. Following the Court of Appeal's decision *In re McGhee*, effective July 9, 2019, CDCR no longer applies the previously mandated public safety screening criteria to eligible nonviolent offenders. All eligible (determinately and indeterminately sentenced) nonviolent offenders are now referred to the Board of Parole Hearings for consideration, regardless of their in-prison behavior. On September 10, 2019, the Office of Administrative Law approved the emergency regulations repealing the public safety screening criteria for determinately sentenced, nonviolent offenders. On March 26, 2020, the Office of Administrative Law made the emergency regulations permanent. The notices of approval and publication can be found here: <https://www.cdcr.ca.gov/regulations/wp-content/uploads/sites/171/2020/04/Adopted-NCR-19-06.pdf?label=Adopted%20Regulations%20for%20Supplemental%20Reforms%20to%20Parole%20Consideration%20for%20Determinately->

[Sentenced%20Nonviolent%20Offenders&from=https://www.cdcr.ca.gov/regulations/cdcr-regulations/new-rules-page/](https://www.cdcr.ca.gov/regulations/cdcr-regulations/new-rules-page/).

In addition, in response to the COVID-19 pandemic, pursuant to Governor Newsom's March 24, 2020 Executive Order N-36-20 and CDCR's Secretary Ralph Diaz's independent authority under California Government Code § 8658, CDCR reduced the inmate population at CDCR's institutions.

The impact of the above-described regulations include:

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

2,417 inmates released in March earned credit authorized by Proposition 57 towards their advanced release date. These inmates earned an estimated average of 140.6 days of additional credit.¹

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 April 30, 2020, 19,481² referrals were made to the Board. As of April 30, 2020, 16,678 referrals have been reviewed on the merits, with 3,260 inmates approved for release and 13,418 denied. Additionally, 1,874 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.

3. Indeterminately Sentenced Nonviolent Offender Parole Process.

CDCR began screening indeterminately-sentenced, nonviolent offenders for eligibility in January 2019. As of April 30, 2020, 2,843 inmates have been referred to the Board for a parole consideration hearing, of which 126 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 Board conducted 333 hearings for indeterminately sentenced nonviolent offenders. The hearings resulted in 104 grants, 199 denials, and 30 stipulations to unsuitability. An additional 269 hearings were scheduled but were postponed, waived, continued, or cancelled. The remaining referrals are pending parole suitability hearings.³

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

² There was a typographical error in the number reported last month. The total number of referrals as of March 31, 2020 was 19,041, not 19,401 as previously reported.

³ An internal audit of the Board's monthly status report revealed a programming error that excluded many grants from being included in data previously reported.

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 2,065 inmates.

b. Community correctional facilities (CCFs), modified community correctional facilities (MCCFs), and Female Community Reentry Facility (FCRFs):

The State currently has contracted for 2,818 MCCF and FCRF 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 zero.⁴ The last inmates in out-of-state contract beds returned to California at the end of June 2019.

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 May 9, 2020, the Board has held 165 medical parole hearings under the revised procedures, resulting in 98 approvals and 67 denials. An additional 41 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 April 30, 2020, the Board held 4,451 hearings for inmates eligible for elderly parole, resulting in 1,244 grants, 2,771 denials, 436 stipulations to unsuitability, and there currently are no split votes that require further review by the full

⁴ This statistic only concerns inmates in out-of-state contract beds and does not include inmates housed in other states under interstate compact agreements.

Board. An additional 2,148 hearings were scheduled during this 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. Male Community Reentry Programs:

Contracts for the San Diego County, Los Angeles County, Kern County, and Butte County Male Community Reentry Programs are in place. The State continues to review and refer eligible inmates for placement consideration. As of May 13, 2020, 435 inmates are housed in Male Community Reentry Program facilities. The State of California's 2019-2020 Budget allocates \$7.5 million General Fund for CDCR's reentry facilities, a portion of which are allocated to expand the Male Community Reentry Program facility in Los Angeles by 10 beds.

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, Bakersfield, Stockton, and Sacramento. As of May 13, 2020, 307 female inmates are participating in the CCTRP. The State of California's 2019-2020 Budget allocates \$7.5 million General Fund for CDCR's reentry facilities, a portion of which are allocated to establish two new 60-bed female CCTRP facilities in Los Angeles and Riverside.

6. Reduction of inmate population in response to COVID-19 pandemic:

On March 24, 2020, Governor Newsom issued an Executive Order N-36-20 suspending the intake of new inmates into CDCR facilities for 30 days subject to one further 30-day extension as needed in order "to protect the health, safety, and welfare" of CDCR inmates and staff. Secretary Diaz extended the suspension of intake by an additional 30 days. CDCR plans to resume intake of new inmates on or about May 26, 2020. Further to these efforts, Secretary Diaz exercised his independent authority under California Government Code § 8658 to transition inmates for whom CDCR staff determined that public safety risk does not preclude release to early parole or Post Release Community Supervision. Inmates with 60 days or less remaining on their sentence (as of March 30, 2020) who were not serving a current term for a violent felony, or for a domestic violence offense, and were not required to register as a sex offender had their release to parole or Post Release Community Supervision accelerated under Secretary Diaz's direction. As of the end of the day on April 14, 2020, a total of 3,585 inmates were released as a result of the Secretary's directive and other natural attrition.