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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 EUREKA DIVISION

TODD ASHKER, et al.,

Plaintiffs,

v.

**GOVERNOR OF THE STATE OF
 CALIFORNIA, et al.,**

Defendants.

4:09-cv-05796-CW (RMI)

**DEFENDANTS' STATUS REPORT
 REGARDING RESTRICTED CUSTODY
 GENERAL POPULATION**

Judge: The Honorable
 Robert M. Illman

During the April 27, 2023 status conference, the Court ordered Defendants to provide a status update on weekend visitation for Restricted Custody General Population (RCGP) inmates, and the development of a second RCGP location. Defendants file this status report in compliance with the Court's order.

I. RCGP VISITING

While CDCR is still finalizing the details of providing RCGP inmates with quarterly weekend visitation, Defendants are able to provide the following updates in response to most of Plaintiffs' questions.

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1 CDCR is moving forward with incorporating quarterly weekend in-person visits for RCGP
2 inmates housed at Pelican Bay State Prison (PBSP) on a trial basis. The weekend schedule will
3 allow RCGP inmates to have in-person visiting on Tuesday, Wednesday, and Sunday, while
4 general population (GP) inmates will have in-person visiting on Thursday, Friday, and Saturday
5 that same week. The new program is tentatively scheduled to begin the second week of
6 October 2023. All inmates in PBSP's RCGP will be able to participate and scheduling will
7 follow current visiting procedures. There will be updates to the local Department Operations
8 Manual and Operational Procedure reflecting these changes. CDCR has not yet determined how
9 long the trial basis will be and has not developed a metric for assessing continuation of the
10 program at this time.

11 Plaintiffs also made several inquiries into the effect of the program on GP inmates. As
12 previously stated during the status conference, during the week RCGP inmates are provided with
13 Sunday in-person visitation, the GP inmates in Facility B will have in-person visiting
14 opportunities on Thursday, Friday, and Saturday, rather than their usual Friday, Saturday, and
15 Sunday schedule. Because of operational feasibility, staffing, and security needs, the impacted
16 GP inmates will not receive additional visitation hours as a result of the change. CDCR has not
17 yet determine what would constitute a disproportionate impact on the GP facility warranting
18 modification or termination of the trial program.

19 Regarding the Inmate Advisory Council's (IAC) request for once a week evening video
20 visitation, PBSP cannot accommodate the request at this time due to a lack of available staffing.

21 **II. SECOND RCGP LOCATION**

22 CDCR is striving to open a second RCGP location in 2024. At this time, CDCR is still
23 working out logistics, but can provide information related to some of Plaintiffs' questions sent
24 after the April 27th Status Conference.

25 CDCR will transfer and place inmates in the second RCGP location based on a case-by-
26 case review of the inmate's individual case factors. CDCR will evaluate which RCGP location
27 provides the inmate the most conducive rehabilitative environment and accommodates their
28 individual case factors. CDCR is unable to determine how many inmates will be housed in the

1 second RCGP or whether those inmates will have access to a grass yard, as those factors are
2 dependent on the location which has not yet been finalized.

3 Plaintiffs have again inquired as to whether CDCR will separate inmates with a Sensitive
4 Needs Yard (SNY) administrative determinant within the second RCGP location. As previously
5 stated, CDCR is constantly evaluating inmates' safety and will move inmates as necessary to
6 make housing as safe as possible. CDCR will continue to exercise its discretion in making
7 housing determinations, and does not agree to separating inmates with a SNY administrative
8 determinant within RCGP housing.

9 Dated: May 24, 2023

Respectfully submitted,

10 ROB BONTA
11 Attorney General of California
12 ADRIANO HRVATIN
Supervising Deputy Attorney General

13 */s/ Le-Mai D. Lyons*

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CERTIFICATE OF SERVICE

Case Name: Ashker, et al. v. Newsom, et al. No. 4:09-cv-05796-CW (RMI)

I hereby certify that on **May 24, 2023**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANTS' STATUS REPORT REGARDING RESTRICTED CUSTODY GENERAL POPULATION

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **May 24, 2023**, at Los Angeles, California.

K. Jeffers

Declarant

/s/ K. Jeffers

Signature