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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,

vs.

17 ARNOLD SCHWARZENEGGER, et al.,

18 Defendants

) No. Civ S 90-0520 LKK-JFM P
) **THREE-JUDGE COURT**

) **DECLARATION OF JAMES AUSTIN IN**
) **SUPPORT OF PLAINTIFFS' RESPONSE TO**
) **DEFENDANTS' SEPTEMBER 17, 2012**
) **RESPONSE TO SEPTEMBER 7, 2012,**
) **ORDER**

19 MARCIANO PLATA, et al.,

20 Plaintiffs,

21 vs.

22 ARNOLD SCHWARZENEGGER, et al.,

23 Defendants

) No. C01-1351 THE
) **THREE-JUDGE COURT**

1 I, James Austin, hereby declare:

2 1. I am a criminologist retained by Plaintiffs' counsel in this action. I have previously
3 submitted expert reports in this action, and have testified before the Court. I have personal
4 knowledge of the matters set forth herein and if called as a witness I could and would
5 competently so testify.

6 2. I have reviewed the State's "Spring 2012 Population Projections," which are
7 published on CDCR's website, as well as the data underlying those projections, including data
8 reflecting population changes between October 1, 2011 (the date that AB 109 Realignment
9 went into effect) and April 27, 2012. I have also reviewed prison admission numbers since
10 January 2011. Although I have requested prison release data for that same timeframe, I have
11 not received it. Nor have CDCR's data analysts responded to my request to confer about the
12 data I have received.

13 3. Based on my review of the data that CDCR has provided, it appears that prison
14 admissions are stabilizing, and that the population reduction impacts from Realignment are
15 nearing a "plateau." It further appears that, if the admissions data remains constant, the
16 population of the 33 in-state prisons will be approximately 118,000-119,000 in June 2013, with
17 an additional 8,000-plus prisoners in out-of-state prisons. I will need additional information,
18 including access to additional CDCR databases and the ability to confer with CDCR's data
19 analysts about their population projection models, in order to verify my preliminary estimates.

20 4. CDCR currently has two tools by which it can assess each prisoner's risk of
21 recidivism: the Correctional Offender Management and Profiling Alternative Sanctions
22 (COMPAS) assessment tool, and the California Static Risk Assessment Instrument (CSRA).
23 Both of these assessment tools have been validated by independent academic studies as reliable
24 predictors of recidivism rates. Both of these tools will assess risk more accurately than the
25 criteria used by the State in its realignment program, which relies only on the offense(s)
26 committed by the offender. Both COMPAS and CSRA use additional information that makes
27 the assessment of risk more reliable.

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