

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Amend sections: 3401

Repeal sections: 3400

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2026-0828-02

OAL Matter Type: Regular (S)

In this rulemaking action, the Department of Corrections and Rehabilitation repeals prior rules regarding familiarity and permits employees to engage in dynamic security.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/12/2026.

Date: October 12, 2026

**Mohandas,
Ashita@OAL**

Digitally signed by Mohandas,
Ashita@OAL
Date: 2026.10.12 11:51:10 -07'00'

**Ashita Mohandas
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Jeffrey Macomber, Secretary
Copy: Robin Hart**

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

REGULAR

NOTICE PUBLICATION/REGULATION SUBMISSION

Instructions on
(reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2026-0420-03	REGULATORY ACTION NUMBER 2026-0828-02S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 12 2026

2:04 pm

NM

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

RECEIVED DATE

04/20/2026

PUBLICATION DATE

05/01/2026

OFFICE OF ADMIN. LAW
2026 AUG 28 PM2:48

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Overfamiliarity		TITLE(S) 15	FIRST SECTION AFFECTED 3400	2. REQUESTED PUBLICATION DATE 5/1/26
3. NOTICE TYPE ☒ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON Robin Hart	TELEPHONE NUMBER (916) 691-0323	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2026,18-2	PUBLICATION DATE 5/1/26

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Overfamiliarity	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3401
	REPEAL 3400
TITLE(S) 15	

3. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code §11346)	☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	☐ Emergency Readopt (Gov. Code, §11346.1(h))	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	☐ File & Print	☐ Print Only
☐ Emergency (Gov. Code, §11346.1(b))	☐ Other (Specify):		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	☒ Effective on filing with Secretary of State	☐ \$100 Changes Without Regulatory Effect	☐ Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) (SAM §6660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
☐ Other (Specify)		

7. CONTACT PERSON Robin Hart	TELEPHONE NUMBER 916-691-0323	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Robin.Hart@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE DocuSigned by: Jeffrey Macomber	DATE 8/25/2026
TYPED NAME AND TITLE OF SIGNATORY Jeffrey Macomber, Secretary, California Department of Corrections and Rehabilitation	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 12 2026

Office of Administrative Law

FINAL TEXT OF REGULATIONS

In the following, ~~strikethrough~~ indicates deleted text and underline indicates added, amended, or moved text.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs, and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 5. Personnel

Article 2. Employees

Section 3400 is repealed:

~~Section 3400. Familiarity.~~

~~Employees must not engage in undue familiarity with incarcerated persons, supervised persons, or the family and friends of incarcerated persons or supervised persons. Whenever there is reason for an employee to have personal contact or discussions with an incarcerated person or supervised person or the family and friends of incarcerated persons and supervised persons, the employee must maintain a helpful but professional attitude and demeanor. Employees must not discuss their personal affairs with any incarcerated person or supervised person.~~

Comment: Former DR-5211, undue familiarity.

Section 3401 is amended to read:

3401. Relations of Employees and Incarcerated or ~~Supervised Persons~~ Relations.

- (a) Outside the scope of assigned duties, Except as provided in (e) below, employees shall not:
- (1) Take, deliver or otherwise transmit, either to or from any incarcerated person or member of an incarcerated person's family,; any verbal or written message, document, item, article, or substance.
 - (b)(2) ~~Except as provided in (e) below, employees shall not e~~Contact, correspond or otherwise communicate with any incarcerated person, supervised person, or member of an incarcerated person's or supervised person's family except:-
 - (A) If the employee is off duty, and the incarcerated person, supervised person or member of an incarcerated person's or supervised person's family is the employee's immediate family member, as defined in section 3000, or the employee's aunt, uncle, niece, nephew, or first cousin.
 - (b) ~~(e) If an employee is contacted by any incarcerated person, supervised person or member of an incarcerated person's or supervised person's family, other than under circumstances specified in (e) below, the~~Employees shall immediately notify their hiring authority, in writing, the employee's institution head or director/assistant secretary of that fact if contacted by any incarcerated or supervised person or member of an incarcerated or supervised person's family outside the scope of their assigned duties.

(c) Nothing in this section shall preclude employees from engaging in dynamic security to promote positive relationships between employees and incarcerated or supervised persons and foster a safer and more secure rehabilitative environment through purposeful activities and professional and respectful communication.

~~(d) Any employee asked, coerced or otherwise contacted by any person to transmit, take or relay any message, item or substance, either to or from, any incarcerated person, supervised person or member of an incarcerated person's or supervised person's family, by other than approved means or circumstances, shall immediately notify, in writing, their institution head or director/assistant secretary of that fact.~~

~~(e) Exceptions to the above prohibitions are as follows:~~

~~(1) In the execution of their assigned duties, employees shall issue, or receive from incarcerated persons any mail, packages, supplies and other items due or permitted them according to department policy and local procedures.~~

~~(2) In the execution of their assigned duties, employees shall interact with any incarcerated person, supervised person or member of an incarcerated person's or supervised person's family as necessary.~~

~~(3) While off duty, and only in accordance with this regulation, departmental employees may conduct relationships with any incarcerated person, supervised person or member of an incarcerated person's or supervised person's family who is either the employee's immediate family member, as defined in section 3000, or the employee's aunt, uncle, niece, nephew, or first cousin.~~

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5000.5, Penal Code.