

**State of California
Office of Administrative Law**

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

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections:

**Amend sections: 3000, 3001.5, 3002, 3003,
3004, 3005, 3006, 3007,
3008, 3009, 3010, 3011,
3012, 3013, 3014, 3015,
3016, 3017, 3018, 3019,
3020, 3021, 3022, 3023,
3024, 3025, 3030, 3031,
3032, 3040, 3040.1, 3040.3,
3041, 3041.1, 3041.2,
3041.3, 3043, 3043.2,
3043.3, 3043.4, 3043.5,
3043.6, 3044, 3044.1,
3044.2, 3045, 3045.1,
3045.2, 3045.3, 3046, 3050,
3051, 3052, 3053, 3054,
3054.1, 3054.2, 3054.3,
3054.4, 3054.5, 3054.6,
3054.7, 3054.8, 3054.9,
3055, 3056, 3060, 3061,
3062, 3063, 3064, 3074.3,
3075, 3075.1, 3075.2,
3075.3, 3076, 3076.1,
3076.2, 3076.3, 3076.4,
3076.5, 3077, 3077.1,
3078.1, 3078.2, 3078.3,
3078.4, 3078.6, 3079,
3079.1, 3080, 3081, 3082,
3083, 3084, 3090, 3091,
3093, 3094, 3095, 3097,
3099, 3100, 3101, 3102,
3103, 3104, 3105, 3106,
3107, 3108, 3120, 3121,
3122, 3123, 3124, 3130,
3131, 3132, 3133, 3134,
3134.1, 3135, 3136, 3137,
3138, 3139, 3140, 3141,
3142, 3143, 3144, 3145,
3146, 3151, 3152, 3160,
3161, 3162, 3163, 3164,
3165, 3170, 3170.1, 3171,
3172, 3172.1, 3173, 3173.1,
3173.2, 3174, 3175, 3176,**

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL Matter Number: 2024-0521-02

OAL Matter Type: Nonsubstantive (N)

3176.1, 3176.3, 3176.4,
3177, 3178, 3179, 3187,
3188, 3189, 3190, 3191,
3192, 3193, 3194, 3195,
3210, 3211, 3213, 3216,
3220, 3220.1, 3220.2,
3220.3, 3220.4, 3220.5,
3230, 3231, 3232, 3233,
3234, 3235, 3236, 3237,
3240, 3240.1, 3240.2, 3250,
3250.1, 3250.2, 3250.3,
3250.4, 3260, 3261.1,
3261.2, 3261.3, 3261.5,
3261.6, 3261.7, 3262, 3263,
3265, 3266, 3267, 3268,
3268.1, 3268.2, 3268.3,
3269, 3269.1, 3269.2,
3269.3, 3269.4, 3270,
3270.1, 3270.3, 3270.4,
3271, 3272, 3273, 3274,
3275, 3276, 3278, 3282,
3283, 3285, 3286, 3287,
3288, 3290, 3291, 3292,
3293, 3294.1, 3294.5, 3295,
3297, 3303, 3304, 3310,
3312, 3313, 3314, 3315,
3316, 3317, 3317.1, 3317.2,
3318, 3320, 3320.1, 3321,
3322, 3323, 3324, 3326,
3327, 3328, 3329, 3329.5,
3330, 3331, 3332, 3335,
3335.1, 3335.2, 3335.3,
3335.4, 3336, 3337, 3338,
3339, 3340, 3341, 3342,
3343, 3344, 3345, 3346,
3347, 3348, 3349, 3359.1,
3359.2, 3359.3, 3359.4,
3359.5, 3359.6, 3363, 3365,
3370, 3370.5, 3371.1, ,
3375, 3375.1, 3375.2,
3375.3, 3375.4, 3375.5,
3375.6, 3376, 3376.1, 3377,
3377.1, 3377.2, 3378,
3378.1, 3378.2, 3378.4,
3378.5, 3378.6, 3378.7,
3378.8, 3378.9, 3378.10,
3379, 3380, 3382, 3383,
3391, 3392, 3392.1, 3392.5,
3392.9, 3393, 3394, 3399,
3400, 3401, 3401.5, 3401.6,
3402, 3404, 3405, 3407,
3408, 3417, 3425, 3426,
3436, 3436.1, 3450, 3470,
3472, 3473, 3475, 3476,
3480, 3481, 3482, 3483,
3484, 3485, 3486, 3486.1,

3486.2, 3486.3, 3488, 3490,
3491, 3492, 3493, 3495,
3496, 3497, 3498.1, 3498.2,
3499, 3499.1, 3499.2, 3500,
3502, 3504, 3504.2, 3505,
3520, 3521, 3521.1, 3521.2,
3521.3, 3521.4, 3521.5,
3522, 3523, 3525, 3526,
3527, 3540, 3541, 3542,
3543, 3544, 3545, 3546,
3547, 3548, 3560, 3561,
3562, 3563, 3564, 3565,
3571, 3580, 3582, 3590,
3590.2, 3590.3, 3600, 3605,
3610, 3620, 3621, 3622,
3623, 3625, 3626, 3630,
3640, 3650, 3651, 3652,
3653, 3720, 3721, 3721.1,
3722, 3723, 3730, 3740,
3741, 3743, 3744, 3745,
3746, 3750, 3751, 3752,
3753, 3754, 3756, 3760,
3761, 3761.1, 3762, 3763,
3764, 3765, 3766, 3768.2,
3768.3, 3769, 3769.1,
3769.2, 3769.3, 3769.5,
3769.6, 3999.98, 3999.99,
3999.132, 3999.205,
3999.208, 3999.215,
3999.225, 3999.226,
3999.227, 3999.228,
3999.229, 3999.230,
3999.231, 3999.232,
3999.233, 3999.234,
3999.235, 3999.236,
3999.237, 3999.303,
3999.309, 3999.310,
3999.327, 3999.330,
3999.342, 3999.367,
3999.384, 3999.391,
3999.392, 3999.402,
3999.417, 3999.418,
3999.419, 3999.425,
3999.426, 3999.427,
3999.429, 3999.432

Repeal sections:

This action by the California Department of Corrections and Rehabilitation (Department) makes nonsubstantive changes to outdated terminology with modern terms throughout the Department's regulations.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: July 1, 2024



Kevin D. Hull
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Jeffrey Macomber, Secretary
Copy: Adam Burrell

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2024-0521-02N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

JUL 01 2024
 1:43pm

OFFICE OF ADMIN. LAW
 2024 MAY 21 PM 4:42

AGENCY WITH RULEMAKING AUTHORITY
 Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
 California Model Terminology

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

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 See attached list.
TITLE(S) 15	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> 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.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> 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)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
---	--	---	--

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON: Adam Burrell
 TELEPHONE NUMBER: 279-800-9810
 FAX NUMBER (Optional):
 E-MAIL ADDRESS (Optional): Adam.Burrell@cdcr.ca.gov

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 Signed by: Jeffrey Macomber
 DATE: 5/14/2024

TYPED NAME AND TITLE OF SIGNATORY: Jeff Macomber, Secretary
 per agency request RM

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 01 2024

Office of Administrative Law

TEXT OF PROPOSED 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 Regulation of Adult Operations and Programs

Article 1. Behavior

Section 3000 is amended to incorporate in alphabetical order the following, and all other text within this section remains the same.

3000. Definitions.

The following are definitions of terms as used in these regulations:

The definition “Accessory” through the definition “Administrative Officer of the Day (AOD)” remain unchanged.

Administrative Restricted Housing Unit (RHU) Term means a determination of the need for retention of any incarcerated person~~inmate~~ in the RHU by the Departmental review Board that: 1) upon completion of a determinate RHU term when overwhelming evidence exists supporting an immediate threat to institutional security and/or safety of others and a substantial justification has been articulated of the need for RHU placement; or 2) the incarcerated person~~inmate~~ has a substantial disciplinary history consisting of no less than three RHU terms within the past five years demonstrating an on-going threat to safety and security of the institution and/or others and less restrictive housing is not appropriate; or 3) for the incarcerated person~~inmate~~ who is currently serving an administrative RHU term and continued retention is required because the incarcerated person~~inmate~~'s case factors are such that overwhelming evidence exists supporting an immediate threat to the security of the institution or safety of others and substantial justification has been articulated of the need for continued RHU placement; or the incarcerated person~~inmate~~ has a substantial disciplinary history consisting of no less than three RHU terms within the past five years and substantial justification has been articulated for the need for continued RHU placement due to the incarcerated person~~inmate~~'s ongoing threat to the safety and security of the institution and/or others, and the incarcerated person~~inmate~~ cannot be housed in a less restrictive environment.

Adverse Witness means a person who has given or will give information against an incarcerated prisoner or supervised person~~parolee~~. For the purpose of conducting parole revocation hearings, adverse witness means a person whose expected testimony supports the violation charged.

Affiliate means individual offenders validated as a members or associates, who ~~are~~ connected or interacts with a certified or recognized Security Threat Group.

Aggravated battery by means of gassing is defined as gassing committed upon a non-incarcerated person~~inmate~~ by a person confined in a state prison.

The definition “Air Scare Search” remains unchanged.

Alternative Custody Program (ACP) means a voluntary program that allows eligible incarcerated persons committed to state prison to serve their sentence in the community in lieu of confinement in state prison.

The definition “Alternative Custody Program Participants” through the definition “Arrest” remain unchanged.

Asylum State means the state other than California in which a supervised person parolee-at-large is in custody.

Attempted Escape means an unsuccessful effort to breach a secured perimeter or the use of force against a person to attempt access into an unauthorized area. Some progress toward implementing an escape must be made to implement a plan. This includes, but is not limited to the following overt acts: acquiring unauthorized clothing or identification, preparing a hiding place in an unauthorized area, lying in wait for a potential hostage, attempting access to a perimeter that was unsupervised, unlawfully obtaining tools to aid in an escape, manufacturing a likeness of a person in order to substitute for the incarcerated person's presence, or receiving assistance from other conspirators who acted upon an escape plan, e.g. a plan to escape uncovered from verbal, telephone or mail communication.

Automated Needs Assessment Tool means a systematic process which consists of a series of questions and a review of the incarcerated person's criminal data in order to establish a baseline for the offender's criminogenic needs to assist in determining appropriate placement in a Rehabilitative Program.

Board of Parole Hearings (~~BPH or board~~) means the State agency responsible for conducting parole consideration hearings for incarcerated persons sentenced to life terms with the possibility of parole and incarcerated persons sentenced to determinate terms but who have been deemed eligible for parole consideration hearings pursuant to statute or court order. The board also conducts parole reconsideration hearings for incarcerated persons returned to CDCR custody pursuant to Penal Code (PC) sections 3000(b)(4) or 3000.1. In addition, the board conducts hearings pursuant to PC section 3550, hearings for ~~O~~offenders with a ~~m~~Mental ~~h~~Health ~~d~~Disorder, and Sexually Violent Predator screenings, among many other functions.

California Agency Supervised PersonParolee means a person released from department facility to parole supervision in a California community who subsequently is within the custody of any California agency, or subdivision thereof, except the department.

California Agency ~~Prisoner~~ Incarcerated Person means an incarcerated person~~prisoner~~ who has been transferred from the custody of the department to the custody of any other California agency or subdivision thereof.

California Concurrent Supervised PersonParolee means a person on parole for a California sentence and a sentence of another jurisdiction who is being supervised in a California community pursuant to the Uniform Act for Out-of-State Parole Supervision (Penal Code sections 11175-11179).

California Interstate Cooperative Supervised PersonParolee means a person on parole for a California sentence who is under parole supervision in a state other than California pursuant to the Uniform Act for Out-of-State Parole Supervision (Penal Code sections 11175-11179) and the Interstate Compact for Adult Offender Supervision (PC sections 11180-11181).

The definition “California Law Enforcement Telecommunications System (CLETS)” remains unchanged.

California Parole Apprehension Team (CPAT) means a Division of Adult Parole Operations (DAPO) team that is responsible for the apprehension of supervised persons~~parolees~~ who have absconded parole supervision or pose a threat to public safety.

The definition “California Parole Supervision Reintegration Model (CPSRM) remains unchanged.

CalParole means a centralized statewide supervised person~~parolee~~ information data system that was deactivated December 7, 2015 and replaced by the Strategic Offender Management System.

The definition “Canine” through the definition “Canine Handler” remain unchanged.

Canteen Open Line means affording incarcerated persons~~inmates~~ access to canteen services outside of their scheduled draw each month.

Case Conference means a documented communication between the parole agent and the parole unit supervisor concerning a supervised person~~parolee~~ (i.e., placing a parole hold).

The definition “Case Conference Review” remains unchanged.

Case records file means the file which contains the information concerning an incarcerated person~~inmate~~ which is compiled by the department pursuant to Penal Code Section 2081.5 and includes such components as the central file, education file, visiting file and parole field file.

The definition “Central File (C-File)” through the definition “Certification” remain unchanged.

Chaplain is a staff member, including a Native American Spiritual Leader, who provides religious care and counseling to incarcerated persons~~inmates~~, affords incarcerated persons~~inmates~~ reasonable opportunities to practice the religious beliefs of their choice, and organizes, coordinates, and manages various religious group activities.

The definition “Child” remains unchanged.

Chronological History means a CDC Form 112 (Rev. 9/83), Chronological History, prepared for each incarcerated person~~inmate~~, upon which significant dates and commitment information affecting the incarcerated person~~inmate~~ are logged.

The definition “Classification and Parole Representative (C&PR)” remains unchanged.

Classification Staff Representative (CSR) means a departmental employee designated to represent the Director in the classification process during the review, approval, or deferral of actions by institution classification committees, including but not limited to incarcerated person~~inmate~~ transfers, incarcerated person~~inmate~~ special housing program placements/retention, and custody designations. Any Correctional Counselor (CC) III may be designated to perform the duties of a CSR.

Cognitive Behavioral Interventions (CBI) are evidence based interventions which help incarcerated persons~~inmates~~ understand the thoughts and feelings that influence behaviors. CBI are generally short-term and focused on helping incarcerated persons~~inmates~~ deal with a specific problem. During the course of treatment, incarcerated persons~~inmates~~ learn how to identify and change thought patterns which have a negative influence on behavior.

Collateral Contact means any communication between a Division of Adult Parole Operations staff and another person concerning a supervised person~~parolee~~.

The statement regarding “The Computer Voice Stress Analyzer” and the definition “Computer Voice Stress Analyzer Examination” through the definition “Computer Voice Stress Analyzer Examiner” remain unchanged.

Concurrent Supervised Person~~Parolee~~ means a person on parole for a California sentence and a sentence of another jurisdiction who is being supervised in a state other than California pursuant to the Uniform Act for Out-of-State Parole Supervision (Penal Code sections 11175-11179).

Conditions of Parole mean the specific conditions under which an incarcerated person~~prisoner~~ is released to parole supervision.

Confidential Incarcerated Inmate Safety Closure Report is a documented, confidential, and comprehensive evaluation, conducted by correctional staff to gather facts and evidence to assess an incarcerated person'~~inmate~~'s possible Safety Concerns before a committee action. Confidential documents are defined in section 3321.

Confinement to Quarters (~~CTQ~~) means an authorized disciplinary hearing action whereby an incarcerated person~~inmate~~ is restricted to their assigned quarters for a period not to exceed five days for administrative rule violations and ten days for serious rule violations.

The definition “Confirmed Security Threat Group (STG)” through the definition “Controlled Substance” remain unchanged.

Cooperative Supervised Person~~Parolee~~ means a person under supervision according to the provisions of the Interstate Compact for Adult Offender Supervision.

Correctional Intelligence Task Force (CITF) means an intelligence unit that aids in the apprehension of supervised persons~~parolees~~-at-large through increased investigation.

The definition “Course of Conduct” through the definition “Criminal Identification and Investigation (CI&I) Report” remain unchanged.

Criminogenic Need means an attribute of the incarcerated person~~inmate~~ that is directly linked to criminal behavior.

Cumulative Case Summary means the cumulative summary of specific portions of the record maintained by the department regarding each incarcerated person~~prisoner~~ from reception to discharge.

Custody of the department means the incarcerated person~~inmate~~ is in the physical custody of the department. The incarcerated person~~inmate~~ would be considered out of the custody of the department when; out-to-court and housed in a County or Federal facility, escaped and not returned to departmental custody, in a non-departmental mental health facility, and in a medical facility under non-departmental supervision.

Dangerous contraband means materials or substances that could be used to facilitate a crime or could be used to aid an escape or that have been altered from their original manufactured state or purpose and which could be fashioned into a weapon. Examples would include, but not be limited to, metal, plastic, wood, or wire. Also included are: sharpened objects such as scissors or other tools not authorized to be in the incarcerated person'~~inmate~~'s possession, as well as poison, caustic

substances, flame producing devices (i.e. matches or lighters) or cellular telephones or wireless communication devices capable of making or receiving wireless communications.

The definition “Deadly weapon” remains unchanged.

Debrief Processing Unit (~~DPU~~) is the centralized location/living unit where incarcerated persons~~inmates~~ who have chosen to disassociate from their Security Threat Group, will be housed to complete Phase One of the Debrief Process.

Debriefing is the formal process by which a Security Threat Group (STG) coordinator/investigator determines whether an offender has abandoned STG affiliation and dropped out of a STG. A subject shall only be debriefed upon their request, although staff may ask if ~~he or she~~they wants to debrief.

The definition “Department” through the definition “Deputy Regional Parole Administrator” remain unchanged.

Detainer means a written document received from an official representing a district attorney office, court, or correctional or law enforcement agent which indicates that an incarcerated person~~inmate~~ is wanted by that office and the basis for the detainer.

Determinate Sentencing Law (~~DSL~~) ~~Prisoner~~-Incarcerated Person means a person sentenced to prison under Penal Code section 1170 for a crime committed on or after July 1, 1977.

Direct and Constant Supervision means an incarcerated person~~inmate~~ shall be monitored and observed by CDCR staff, either custody staff or work supervisor as indicated in these regulations, sufficiently to account for the specific whereabouts of the incarcerated person~~inmate~~ at all times.

The definition “Direct Link” through the definition “Disabled Veteran Business” remain unchanged.

Disciplinary Detention means a temporary housing status which confines incarcerated persons~~inmates~~ so assigned to designated rooms or cells for prescribed periods of time as punishment for serious rule violations.

The definition “Disciplinary Free” remains unchanged.

Disciplinary Free Period means the period that commences immediately following the date and time an incarcerated person~~inmate~~ is identified (date of discovery of information leading to the charge) as committing a rules violation classified as serious.

The definition “Disruptive Behavior” through the definition “Drugs” remain unchanged.

Effective communication means providing the incarcerated persons~~inmates~~, to the extent possible or as required by federal law, the communication assistance necessary to allow them to understand and participate in programs, services and activities. For incarcerated persons~~inmates~~ with disabilities, staff may provide assistive devices or other methods of accommodation. For incarcerated persons~~inmates~~ with other communications needs (including Limited English Proficiency (LEP)), staff are responsible for providing other forms of assistance. For due process events, staff are subject to additional requirements: If the incarcerated person~~inmate~~ is LEP, has a verified disability or has a reading level score of 4.0 or lower, the employee is also required to accurately identify the communication need, to document the provision of any assistance provided that is consistent with the incarcerated person~~inmate~~'s communication need, and to document the method staff used to determine the incarcerated person~~inmate~~ understood. In instances where a

staff member cannot achieve effective communication, despite the provision of relevant accommodations or assistance, staff shall document their efforts and their inability to achieve effective communication and shall notify the facility's ADA/LEP Coordinator.

The definition “Electronic Communication” through the definition “Electronic Records Management Systems (ERMS)” remain unchanged.

Escape History refers to any reliable information or incarcerated person~~inmate~~ self-admission in the central file to an escape, attempted escape, walkaway, or plan to escape. The available information describing the circumstances of the escape or attempted escape shall be evaluated in determining the level of risk to correctional safety and security posed by the incarcerated person~~inmate~~.

Examinee means a person who voluntarily takes a polygraph examination, or an ~~inmate or parolee~~ incarcerated or supervised person who voluntarily takes a Computer Voice Stress Analyzer Examination.

Exceptional Circumstances means circumstances beyond the control of the department or the incarcerated person~~inmate~~ that prevent the incarcerated person~~inmate~~ or requested witnesses from participating in the disciplinary hearing within established time limitations. Examples of this as applied to an incarcerated person~~inmate~~ would include a serious temporary mental or physical impairment verified in writing by a licensed clinical social worker, licensed psychologist, psychiatrist, or physician. Some examples of exceptional circumstances preventing staff witnesses, to include the reporting employee, from attending the disciplinary hearing would be extended sick leave, bereavement leave, personal emergency, or extended military duty. Exceptional circumstances, as described above, would allow for suspension of time limitations pending resolution of the instances.

The definition “Ex-Offender” through the definition “Exonerated Person” remain unchanged.

Face-to-Face Contact means an in-person contact with a supervised person~~parolee~~, or an Alternative Custody Program Participant, by a CDCR parole agent.

The definition “Facility” remains unchanged.

Facility Security Perimeter is any combination of living unit, work area and recreation area perimeters that is set aside to routinely restrict incarcerated person~~inmate~~ movement based on custody level. This perimeter will contract and expand depending upon the weather, lighting conditions and hours of operation.

~~Federal Consecutive Prisoner means a California prisoner who is also under sentence of the United States and is confined in a federal correctional facility, and whose California term shall commence upon completion of the United States' sentence.~~

The definition “Felony” remains unchanged.

Field Contact means face-to-face contact by Division of Adult Parole Operations staff with a supervised person~~parolee~~ away from the parole office or office parking area.

The definition “Firm” through the definition “Force” remain unchanged.

Frequent and Direct Supervision means that staff supervision of an incarcerated person~~inmate~~ shall be sufficient to ensure that the incarcerated person~~inmate~~ is present within the area permitted.

The definition “Friendly Witness” through the definition “Gender Identity” remain unchanged.

General Chrono means a CDC Form 128-B (Rev. 4-74) which is used to document information about incarcerated persons~~inmates~~ and incarcerated person~~inmate~~ behavior. Such information may include, but is not limited to, documentation of enemies, records of disciplinary or classification matters, pay reductions or inability to satisfactorily perform a job, refusal to comply with grooming standards, removal from a program, records of parole or social service matters.

General Conditions of Parole mean general rules regarding behavior required or prohibited during parole for all supervised persons~~parolees~~.

The definition “Goal” through the definition “Hearing Committee” remain unchanged.

High Control means the highest risk category of a person released to parole. High Control is also the term used for all non-Global Positioning System supervised person~~parolee~~-at-large cases assigned to the CPAT and CITF.

Hold means to retain an incarcerated inmate or supervised person~~parolee~~, who is under the Secretary's jurisdiction, in custody at an institution or a local detention facility in response to the legal request of a law enforcement or correctional agency representative.

Immediate Family Members means legal spouse; registered domestic partner, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the incarcerated person'~~inmate~~'s incarceration; step-parents or foster parents; grandparents; natural, step, or foster brothers or sisters; the incarcerated person'~~inmate~~'s natural and adoptive children; grandchildren; and legal stepchildren of the incarcerated person~~inmate~~. Aunts, uncles and cousins are not immediate family members unless a verified foster relationship exists.

Incarcerating Jurisdiction means the jurisdiction where an Interstate or Western Interstate Corrections Compact, federal contract, federal concurrent, or concurrent person~~prisoner~~ is incarcerated.

The definition “Indecent Exposure” through the definition “Indeterminate Sentence Law (ISL)” remain unchanged.

Indigent Incarcerated Person~~Inmate~~ means an incarcerated person~~inmate~~ who has maintained an ~~inmate~~ trust account with twenty-five dollars (\$25) or less for 30 consecutive days.

Incarcerated Person~~Inmate~~ means a person under the jurisdiction of the Secretary and not paroled. ~~Inmate and prisoner are synonymous terms.~~

Incarcerated Person~~Inmate~~ Match means a one-on-one match of a citizen volunteer and an incarcerated person~~inmate~~ who receives few or no visits to establish a relationship which encourages positive ~~inmate~~ behavior and programming.

The definition “Institution” remains unchanged.

Institution Head means a warden, regional parole administrator, or designated manager of a facility housing incarcerated persons~~inmates~~.

Intake Control Unit (ICU) means a unit that schedules and coordinates weekly movement of CDCR new commitment incarcerated persons~~inmates~~ from the counties to the CDCR Reception Centers. The ICU is also a liaison between the counties and CDCR in the event that CDCR is

unable to accept delivery of its new commitment incarcerated persons~~inmates~~ and payments are due to the counties.

The definition “Integrated Substance Use Disorder Treatment (ISUDT)” through the definition “Interstate Compact Unit” remain unchanged.

Interstate Cooperative Supervised Person~~Parolee~~ means a person convicted and sentenced to prison in a state other than California but under parole supervision in California according to provisions of the Interstate Compact for Adult Offender Supervision.

The definition “Intoxicant not identified as a controlled substance” remains unchanged.

Joint Venture Employer (~~JVE~~) means any public entity, nonprofit or for profit entity, organization, or business which contracts with the director for the purpose of employing incarcerated person~~inmate~~ labor.

Joint Venture Program (~~JVP~~) means a contract entered into between the director and any public entity, nonprofit or for profit entity, organization, or business for the purpose of employing incarcerated person~~inmate~~ labor.

The definition “Kiosk” through the definition “Legal process” remain unchanged.

Legal Status Sheet (~~LSS~~) means a CDC Form 188, Legal Status Summary, containing the commitment and release status of an incarcerated person~~inmate~~.

Lethal electrified fence is a high voltage fence installed for the lethal infliction of injury to escaping incarcerated persons~~inmates~~.

Life Incarcerated Person~~Prisoner~~ means an incarcerated person~~prisoner~~ whose sentence includes a term of life.

The definition “Localized Safety Concerns” remains unchanged.

Lockdown means the restriction of all incarcerated persons~~inmates~~ to their cells/dormitory beds encompassing no less than a Facility. True lockdowns are rare occasions, generally following very serious threats to institutional security and the safety of staff and incarcerated persons~~inmates~~. The movement of any incarcerated person~~inmate~~ to an assignment or resumption of any program would change the lockdown status of the program, returning the institution/facility to a diminished level of modified program or to normal program.

The definition “Lockout” remains unchanged.

Manuscript means any written, typed or printed articles of fiction and nonfiction; poems; essays; gags; plays; skits; paintings; sketches; drawings; or musical compositions created by an incarcerated person~~inmate~~.

The definition “Material Evidence” remains unchanged.

~~Medical Parolee means a person released from confinement pursuant to Penal Code section 3550.~~

The definition “Medically Necessary” remains unchanged.

Minimum Eligible Parole Date (~~MEPD~~) means the earliest date on which an Indeterminate Sentence Law or life incarcerated person~~prisoner~~ may legally be released on parole.

Modified Program means the suspension or restriction of less than all incarcerated person~~inmate~~ program activities and/or movement. A Modified Program may either occur independently in

response to an incident or unusual occurrence or may occur as a facility transitions from a lockdown to regular programming. Imposed restrictions may fluctuate as circumstances dictate with the goal of resuming regular programming as soon as it is practical. Modified programming will last no longer than necessary to restore institutional safety and security or to investigate the triggering event, and shall not target a specific racial or ethnic group. For those incarcerated persons~~inmates~~ whose movement has been restricted, movement may be authorized on a case-by-case basis for essential or emergency services such as medical, dental, mental health or law library visits. The routine and/or temporary restrictions on incarcerated person~~inmate~~ movement or yard activities, which do not last longer than 24 hours, are not considered a program modification.

Multijurisdiction Supervised Person~~Parolee~~ means any concurrent, California concurrent, California agency, or cooperative supervised person~~parolee~~.

Multijurisdiction Incarcerated Person~~Prisoner~~ means any federal contract, federal concurrent, federal consecutive, concurrent, consecutive, California agency, Interstate or Western Interstate Corrections Compact incarcerated person~~prisoner~~.

The definition “Native American Sweat Lodge Grounds” remains unchanged.

Non-Designated Programming Facility is an integrated housing facility or institution established for incarcerated persons~~inmates~~ demonstrating a willingness to participate in rehabilitative programs and conform to departmental policies.

Non-Revocable Parole (~~NRP~~) is a form of unsupervised community release pursuant to the provisions of Penal Code section 3000.03, wherein the ~~parolee~~ supervised person is not subject to placement of a parole hold, revocation proceedings, or remedial sanctions.

The definition “Non-secure Facility” through the definition “Notice Agent/Court Agent” remain unchanged.

Offender means any ~~inmate~~ incarcerated person, ward, ~~parolee~~ supervised person, or other person currently under the jurisdiction of the CDCR.

Our Hold Only (~~OHO~~) means a supervised person~~parolee~~ is in custody under a Penal Code section 3056 parole hold and has no other charges or detainers pending.

Out-to-Court means an incarcerated person~~inmate~~ is temporarily removed from a facility to be brought before a court to be tried for an offense, to be examined by a grand jury or magistrate, or for any other court proceedings.

The definition “Outdoor Religious Grounds” through the definition “Parole Agent” remain unchanged.

~~Parolee~~ Parole Field File means a file maintained by a parole unit office containing information about a supervised person~~parolee~~ and ~~his or her~~ their current parole.

Parole Hold means authorization by a departmental employee to hold a supervised person~~parolee~~ in custody pursuant to section 3056 of the Penal Code.

Parole Violation means conduct by a supervised person~~parolee~~ which violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

The definition “Parole Violation Disposition Tracking System (PVDTS)” remains unchanged.

Parole Violation Extension means an extension of return-to-custody time for a supervised person~~parolee~~ in revoked status.

Parole Violator means a supervised person~~parolee~~ who is found to have violated parole and who may be returned to custody pursuant to Penal Code section 3057.

Supervised Person~~Parolee~~ means an offender placed on supervised or non-revocable parole by the department.

Supervised Person~~Parolee~~-at-Large means an absconder from parole supervision, who is declared a fugitive by the parole authority suspending parole.

The definition “Polygraph Examination” through the definition “Possession” remain unchanged.

Postrelease Community Supervision ~~is~~means a form of supervision provided after a period of incarceration wherein the incarcerated person~~inmate~~ is released to the jurisdiction of a county agency pursuant to the Postrelease Community Supervision Act of 2011.

The definition “Preprison Credit” through the definition “Prison Gang” remain unchanged.

~~Prisoner means a person in custody of the Secretary and not paroled. Prisoner and inmate are synonymous terms.~~

The definition “Probation Officer’s Report” remains unchanged.

Program failure means any incarcerated person~~inmate~~ who generates a significant disciplinary history within the last 180 days from the current date. A guilty finding for two serious Rules Violation Reports or one serious and two administrative Rules Violation Reports within that 180 day time period is reasonable evidence of a significant disciplinary history and may be considered a program failure.

The definition “Project, as used in sections 3465 through 3468” remains unchanged.

Public Interest Case describes an incarcerated inmate/supervised person~~parolee~~ whose crime/criminal history, public recognition, family ties, career or behavior in custody has resulted in extensive media coverage beyond the closest large city and its surrounding areas.

Public official means any person identified in Penal Code Section 76. CDCR staff are considered the staff of an exempt appointee of the Governor.

Received Date means the date an incarcerated person~~inmate~~ is initially received into a facility of the department.

Receiving State means the state which supervises a cooperative supervised person~~parolee~~ under the terms of the Interstate Compact for Adult Offender Supervision.

The definition “Regional Parole Administrator” remains unchanged.

Rehabilitative Programs are programs managed by the Division of Rehabilitative Programs (DRP), to equip incarcerated persons~~inmates~~ with career opportunities, and to assist them in dealing effectively with the challenges of life, in preparation for successful reintegration into the community.

Released on Parole means released from custody to a term of parole supervision and includes: initial releases from custody; supervised persons~~parolees~~ released after having served a period of

parole revocation; parole violators with a new term; supervised persons~~parolees~~ released from any other jurisdiction, for example, federal custody; and offenders ordered directly to parole by a sentencing court, also referred to as “court walkovers.”

The definition “Relevant Evidence” through the definition “Responsible Bidder” remain unchanged.

Restricted Custody General Population (~~RCGP~~) means living units ~~will~~ provided as a general population housing alternative to offenders who have a substantial threat to their personal safety should they be released to the general population.

Restricted Housing Units (RHU) ~~are~~means specialized programming units with established placement criteria designated for ~~inmates~~ incarcerated persons not suited for housing in the ~~General Population (GP)~~. RHU include Enhanced Outpatient Program RHU, Correctional Clinical Case Management System RHU, and General Population RHU. Restricted housing may be accomplished by confinement in a designated RHU or, in an emergency, to any single cell unit capable of providing secure housing.

The definition “Restricted Housing Unit Maximum Release Date (RHU MRD)” remains unchanged.

Restricted or controlled incarcerated person~~inmate~~ movement means that the affected incarcerated persons~~inmates~~ are not permitted normal release schedules and that all or specified movement may require a greater degree of supervision than normal. Such restriction may include, but is not limited to controlled feeding, a section at a time, rather than the entire unit or sub-facility being released. Such restrictions do not constitute a State of Emergency as determined in Section 3383.

Room and Board means all that the department provides for the incarcerated person'~~inmate~~'s care, housing and retention.

Safety Concerns are any documented and verified factor(s) or situation(s) that will cause a substantial risk of serious harm to any incarcerated person~~inmate~~, staff, or other individual.

The definition “Screening” through the definition “Secretary” remain unchanged.

Secure Facility means a departmental institution or correctional facility with a secure perimeter as defined in section 3000 that is designed to confine incarcerated persons~~inmates~~ on facility property and prevent escapes. Examples of Departmental Secure Facilities include Secure Level I facilities as defined in section 3000 and facilities designated with security levels of II, III, or IV pursuant to subsections 3377(b), (c) and (d).

Secure Level I facility means is a Level I facility with a secure perimeter as defined in section 3000 that includes razor wire to prevent the escape of incarcerated persons~~inmates~~.

Secure Perimeter means the largest Security Perimeter that physically retains incarcerated persons~~inmates~~ in custody on facility property.

Security Concern means the incarcerated person~~inmate~~ does not otherwise meet the Close Custody case factor criteria established in section 3377.2(b); however, based upon an Institution Classification Committee (~~ICC~~) review of all available case factors and disciplinary history, the incarcerated person~~inmate~~ demonstrates an ongoing heightened security risk that potentially threatens institution safety and security and thereby warrants the direct and constant supervision provided by a Close Custody designation.

Security Module means any department-approved security desk or security table used to facilitate educational, recreational and/or therapeutic activities for maximum custody incarcerated persons~~inmates~~ and are designed for use with State-issued restraint gear.

Security Perimeter means any unbroken physical barrier or combination of physical barriers that restricts incarcerated person~~inmate~~ movement to a contained area without being processed through a door, gate, or sallyport.

The definition “Security Threat Group (STG) through the definition “Security threat Group (STG) Suspect” remain unchanged.

Security Threat Group (STG) Unit Classification Committee is a unit classification committee responsible for making the determination of an incarcerated person~~inmate~~'s validation status, reviewing Dropout status affiliate's new disciplinary behavior to determine nexus to STG, and reviewing information/intelligence regarding incarcerated person~~inmate~~-involved incidents occurring outside CDCR jurisdiction to ensure disciplinary processes and/or formal documentation were applied.

Senate Bill (SB) 618 Participant means an adult incarcerated person~~inmate~~ who is deemed eligible and agrees to participate in a SB 618 Program, as defined in section 3000, which includes that prior to reception by the California Department of Corrections and Rehabilitation, the incarcerated person~~inmate~~ will be assessed and classified at the county in which ~~he or she~~ they ~~is~~ are adjudged to have committed ~~his or her~~ their crime.

Senate Bill (SB) 618 Program means a program developed for nonviolent felony offenders pursuant to SB 618 (2005/2006 session), which added Penal Code section 1203.8, which provides in part that programs shall be available for incarcerated persons~~inmates~~, including Career Technical Education programs and educational programs that are designed to prepare nonviolent felony offenders for successful reintegration back into the community.

Sending State means the state that requests the transfer of a cooperative supervised person~~parolee~~, or that transfers supervision of a cooperative supervised person~~parolee~~, under the terms of the Interstate Compact for Adult Offender Supervision.

Sensitive Needs Yard ~~is~~ means a designation for incarcerated persons~~inmates~~ with documented and verified Systemic Safety Concerns with a portion of the incarcerated ~~inmate~~ general population.

Sentence Data Sheet means an option under the Prison function tab within the Strategic Offender Management System that contains commitment and release status of an incarcerated person~~inmate~~.

The definition “Serious body injury (SBI)” through the definition “Serious Offense” remain unchanged.

Sexual Activity means any behavior of a sexual nature between an incarcerated person~~inmate~~ and a visitor including, but not limited to:

- (1) Sexual intercourse, oral copulation, or masturbation.
- (2) The rubbing or touching of breast(s), buttock(s) or sexual organ(s) for the purpose of arousing, appealing to, or gratifying lust, passions, or sexual desires.
- (3) Exposure of breast(s), buttocks or sexual organ(s) for the purpose of arousing, appealing to, or gratifying lust, passions, or sexual desires.

The definition “Sexual Disorderly Conduct” through the definition “Special Conditions of Parole” remain unchanged.

Stacking means issuing multiple RVRs to an ~~inmate~~incarcerated person for an event that warrants a single RVR, i.e., when there is a nexus between multiple rules violations that occur as a part of a single event.

Statewide Religious Review Committee (SRRC) ~~is~~means a committee established to ensure that a framework for religious program policy exists, and that program continuity from institution to institution is maintained. The SRRC also provides an avenue for addressing statewide incarcerated person~~inmate~~ religious issues and offers recommendations to the Director of the Division of Adult Institutions (DAI) for consideration of policy development and/or enactment. The SRRC is comprised of the following: Associate Director, DAI (General Population--Males); one Warden from each mission within DAI; Headquarters Community Resources Manager (HCRM), Religious Programs; one Community Resources Manager~~CRM~~ from each mission within DAI; a Captain; a designee from the Office of Legal Affairs; the departmental Food Administrator, and other stakeholders as required.

Strategic Offender Management System (SOMS) ~~is~~means an electronic automated ~~offender~~ management system that consolidates existing databases and records to a fully automated system and replaces certain manual paper processes. SOMS is a cumulative data collection process that will autopopulate specific information on all documentation, such as an incarcerated person~~inmate~~'s name and number, current date, county of last residence, institution/facility housing, etc.

The definition “Street gang” through the definition “Subcontractor” remain unchanged.

Systemic Safety Concerns ~~are~~means incarcerated person~~inmate~~ Ssafety Cconcerns, not restricted to a specific or limited departmental facility or institution, thereby impacting statewide housing with a portion of the incarcerated ~~inmate~~ general population.

The definition “Technical violation” through the definition “Terminal illness” remain unchanged.

Time Computation means the department's uniform method for calculating an incarcerated person~~inmate~~'s term and minimum and maximum release dates as governed by law.

Time Served means that time an incarcerated person~~inmate~~ is imprisoned with the department between their received date and a given date.

Totally disabled means a diagnosis provided by a physician and/or psychiatrist indicating that an incarcerated person~~inmate~~ is incapable of performing an assignment.

The definition “Totally disabled” through the definition “Transgender” remain unchanged.

Transient Sex Offender means a supervised person~~parolee~~ who has a statutory requirement to register as a sex offender and who has no residence.

Transitional Housing Unit ~~is~~means a general population program designated for the observation phase of the Debrief process. This program may house those incarcerated persons~~inmates~~ that are in the second phase of the debrief process.

Transitions Programs ~~are~~ means employment training classes to assist incarcerated persons ~~inmates~~ with job readiness and job seeking skills to overcome barriers to obtaining employment upon release from an institution.

The statement regarding “Under the influence of alcohol” and the definition “Unit Supervisor” remain unchanged.

Urinalysis Testing (previously referred to as Anti-Narcotic Testing) ~~is~~ means a process to detect the presence of prohibited substances used by supervised persons ~~parolees~~.

The definition “Validation” through the definition “Wireless Communication Device” remain unchanged.

Work Change Area means a portal controlled by staff and/or locking gates that is used to control access and includes the area where staff search incarcerated persons ~~inmates~~ prior to permitting incarcerated persons ~~inmates~~ in or out of adjacent areas such as Prison Industry Authority yards.

Worktime Credit means credit towards an incarcerated person's ~~prisoner's~~ sentence for satisfactory performance in work, training or education programs.

The definition “Writ” remains unchanged.

NOTE: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203(b)(1), 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 7000 et seq., 7286.5, 11180 and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; *Madrid v. Cate* (USDC ND Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

Section 3001.5 is amended to read:

3001.5. Assignment to Caseworker.

Upon reception at a facility, each incarcerated person~~inmate~~ shall be assigned a caseworker.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3002 is amended to read:

3002. Notice of Program, Behavioral, and Participation Expectations.

(a) Within 14 days of reception by the Department of Corrections and Rehabilitation or upon return to confinement in a departmental institution or facility, every incarcerated~~inmate~~ or supervised person~~parolee~~ shall be issued a copy of the Rules and Regulations of the Secretary of Corrections and Rehabilitation and copies of all rule changes that have occurred since the last complete reprinting and reissue of the rules and regulations. Each incarcerated~~inmate~~ and supervised person~~parolee~~ shall sign a receipt for the rules. The receipt shall be filed as a permanent record in the incarcerated person'~~inmate~~'s central file. In addition:

(1) Spanish language copies of the rules and regulations of the Secretary shall be maintained at each reception center, institution and facility where incarcerated persons~~inmates~~ are confined. Notice shall be given in Spanish that a Spanish version of the rules is available for inspection. These rules shall be made available for review by Spanish speaking incarcerated persons~~inmates~~ who cannot read English.

(2) Within 14 days of transfer to another departmental institution or facility, the new arrival shall be given a written summary of local procedures governing the conduct and activities of incarcerated persons~~inmates~~ confined at that location and a summary of the range of work and training programs offered by and available at that institution or facility. The summary or summaries shall also include: procedures governing mail and visiting, the incarcerated person'~~inmate~~'s right to appeal and appeal procedures, the facility's basic daily schedule, and where and how additional procedural information of interest may be obtained. New arrivals shall also be given verbal staff instructions regarding the procedures.

Staff instructions shall also be given to newly received incarcerated persons~~inmates~~ regarding the possibility of receiving a one-third reduction of their sentence or minimum eligible parole date for refraining from acts or activities of misbehavior and by participating in assigned work and program activities.

(b) During regularly scheduled institution and reception center incarcerated person~~inmate~~ orientation sessions each incarcerated~~inmate~~ or supervised person~~parolee~~ shall be advised of the following:

Subsections 3002(b)(1) through 3002(b)(4) remain unchanged.

(5) Reception centers shall incorporate the incarcerated person'~~inmate~~'s acknowledgement of the receipt of the summary of reception center work and program activities in the same form used as a receipt for issue of the rules and regulations to the incarcerated person~~inmate~~.

(6) When incarcerated persons~~inmates~~ are placed in specialized housing with specialized or limited program options and opportunities to participate, the initial classification committee shall explain the options and opportunities available to the incarcerated person~~inmate~~ within that specialized

unit. A copy of the committee's chrono reflecting the discussion shall be given to the incarcerated personinmate and a copy placed in the incarcerated person'sinmate's central file.

(7) The facility location where Board of Parole Hearings' Rules may be reviewed by the incarcerated personinmate.

(8) Available institution social services.

(c) The issuance of rules and regulations and program information, summaries, and the incarcerated person'sinmate's receipt for same is required in order to comply with Sections 2080 and 2930 of the Penal Code. An incarcerated person'sinmate's refusal to sign a receipt for the issue of rules and regulations, work and program summaries, or work and program agreements or understandings, shall be noted by staff, and the receipt shall be filed in the incarcerated person'sinmate's central file. Refusal or failure to acknowledge the receipt of information shall not relieve the incarcerated personinmate from any responsibility to behave and participate as expected nor from the consequence for misbehavior or refusal or failure to participate.

(d) Each institution and reception center shall provide a means of advising incarcerated personsinmates who cannot read English of the expectations contained in this section. The provisions shall include communication of the expectations to those incarcerated personsinmates who also have impaired hearing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2080, 2930, 2931 and 5054, Penal Code.

Section 3003 is amended to read:

3003. Threats Against Public Officials.

Any incarcerated personinmate away from a secure perimeter facility or supervised personparolee who makes a written or verbal threat against the life of any official specified in Penal Code section 76 with the intent and apparent ability to carry out the threat shall immediately be placed in custody at a jail or secure perimeter facility pending disposition of the charges.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 76, 3056, 5054 and 6253, Penal Code.

Section 3004 is amended to read:

3004. Rights and Respect of Others.

(a) IncarceratedInmates and supervised personsparolees have the right to be treated respectfully, impartially, and fairly by all employees. IncarceratedInmates and parolees supervised persons have the responsibility to treat others in the same manner. Employees and incarcerated personsinmates may use first names in conversation with each other when it is mutually acceptable to both parties.

(b) IncarceratedInmates, or supervised personsparolees and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institutions or to incite or provoke violence.

(c) IncarceratedInmates, or supervised personsparolees and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap.

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

Section 3005 is amended to read:

3005. Conduct.

(a) Incarcerated inmates and supervised persons/parolees shall obey all laws, regulations, and local procedures, and refrain from behavior which might lead to violence or disorder, or otherwise endangers facility, outside community or another person.

(b) Obeying Orders. Incarcerated inmates and supervised persons/parolees must promptly and courteously obey written and verbal orders and instructions from department staff, and from employees of other agencies with authorized responsibility for the custody and supervision of incarcerated inmates and supervised persons/parolees.

(c) Refusing to Accept Assigned Housing. Incarcerated persons/inmates shall not refuse to accept a housing assignment such as but not limited to, an integrated housing assignment or a double cell assignment, when case factors do not preclude such.

(d) Force or Violence.

(1) Incarcerated persons/inmates shall not willfully commit or assist another person in the commission of an assault or battery to any person or persons, nor attempt or threaten the use of force or violence upon another person.

(2) Incarcerated persons/inmates shall not, with the intent to cause a riot, willfully engage in conduct that urges a riot, or urges others to commit acts of force or violence at a time and place under circumstances that produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property.

(3) Incarcerated persons/inmates shall not participate in a riot, rout, or unlawful assembly.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 242, 295-300.3, 404-409, 2931 and 5054, Penal Code.

Section 3006 is amended to read:

3006. Contraband.

Incarcerated persons/inmates may possess only the personal property, materials, supplies, items, commodities and substances, up to the maximum amount, received or obtained from authorized sources, as permitted in these regulations. Possession of contraband as defined in section 3000 may result in disciplinary action and confiscation of the contraband.

(a) Dangerous Property. Incarcerated persons/inmates shall not possess or have under their control or constructive possession any weapons, explosives, explosive making material, poisons or any destructive devices, nor shall they possess or assist in circulating any writing or voice recording which describes the making of any weapons, explosives, poisons, or destructive devices. Incarcerated persons/inmates shall not possess wireless communication devices capable of making or receiving wireless communications, except as expressly authorized by the Secretary, pursuant to subsection 3190(k)(8).

(b) Money. Incarcerated persons/inmates may not possess money. If an incarcerated person/inmate finds money and voluntarily surrenders it, and the rightful owner does not claim it within 30 days, it will be credited to the incarcerated person's/inmate's trust account.

(c) Except as authorized by the institution head, incarcerated persons~~inmates~~ shall not possess or have under their control any matter which contains or concerns any of the following:

Subsections 3006(c)(1) through 3006(c)(17)(B)1. remain unchanged.

2. Educational, medical/scientific, or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference books and/or guides, National Geographic, or artistic reference material depicting historical, modern, and/or post modern era art, purchased or possessed by incarcerated persons~~inmates~~ and approved by the institution head or their designee on a case-by-case basis.

Subsections 3006(c)(18) through 3006(c)(20) remain unchanged.

(21) Another incarcerated person's~~inmate's~~ authorized wireless communication device.

(d) Anything in the possession of an incarcerated person~~inmate~~ which is not contraband but will, if retained in possession of the incarcerated person~~inmate~~, present a serious threat to facility security or the safety of incarcerated persons~~inmates~~ and staff, shall be controlled by staff to the degree necessary to eliminate the threat.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601, 2772, 2790, 4574, 4576, 5030.1, 5054 and 5057, Penal Code.

Section 3007 is amended to read:

3007. Sexual Behavior.

Incarcerated persons~~Inmates~~ may not participate in illegal sexual acts. Incarcerated persons~~Inmates~~ are specifically excluded in laws which remove legal restraints from acts between consenting adults. Incarcerated persons~~Inmates~~ must avoid deliberately placing themselves in situations and behaving in a manner which is designed to encourage illegal sexual acts.

Comment: Former DR-1105, sexual behavior.

Section 3008 is amended to read:

3008. Obscenity.

Incarcerated persons~~Inmates~~ shall not openly or publicly display photographs, pictures, drawings, or other pictorial representations of persons engaged in sexual acts, actual or simulated, masturbation, excretory functions or lewd exhibitions of the genitals which are obscene as defined in Section 311 of the Penal Code.

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

Section 3009 is amended to read:

3009. Gambling.

Incarcerated persons~~Inmates~~ shall not participate in any form of gambling or bookmaking.
Comment: Former DR-1107, gambling and bookmaking.

Section 3010 is amended to read:

3010. Gifts and Gratuities.

Incarcerated persons~~Inmates~~ may not ask for or accept any gift of money, property, material or substance from institution visitors, employees or other persons, and may not give any person a gift

or promise of one, except as provided for by law, approved institution procedures, or as specifically authorized by the warden or superintendent. Institution procedures established under this section should be directed toward control of property, safety of persons and institution security.

Section 3011 is amended to read:

3011. Property.

Incarcerated persons~~Inmates~~ shall not intentionally destroy, damage, or deface, state property or another person's property. To do so shall be cause for disciplinary action and the incarcerated person~~inmate~~ may be charged for the cost of repair or replacement, including materials. Intentional destruction of property may result in a credit loss as specified in Section 3323(c)(3), 3323(d)(6), or 3323(g)(1) of these regulations. Intentional damage to property valued at four hundred dollars or more may result in criminal prosecution and an additional term of imprisonment in addition to any credit loss resulting from the disciplinary action. Intentional damage to property valued at less than four hundred dollars may result in a misdemeanor conviction in addition to any credit loss resulting from the disciplinary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 594(a), 2932, 4600 and 5054, Penal Code.

Section 3012 is amended to read:

3012. Theft.

Incarcerated persons~~Inmates~~ shall not obtain anything by theft, fraud or dishonesty.

Comment: Former DR-1110, stealing and dealing.

Section 3013 is amended to read:

3013. Unlawful Influence.

Incarcerated persons~~Inmates~~ shall not attempt to gain special consideration or favor from other incarcerated persons~~inmates~~, employees, institution visitors or any other person by the use of bribery, threat or other unlawful means.

Comment: Former DR-1111, improper influence.

Section 3014 is amended to read:

3014. Calls and Passes.

Incarcerated persons~~Inmates~~ must respond promptly to notices given in writing, announced over the public address system, or by any other authorized means.

Comment: Former DR-1113, answering calls and passes.

Section 3015 is amended to read:

3015. Unauthorized Areas and Facility Boundaries.

(a) Every area of a facility which is out of bounds to incarcerated persons~~inmates~~ or which is only out of bounds at specified times shall be clearly designated. Incarcerated persons~~Inmates~~ shall not enter such areas unless specifically authorized to do so by staff.

(b) Incarcerated persons~~Inmates~~ assigned to a work detail or project off their facility's property shall not go beyond the geographical limits established by their staff escort.

(c) Except as provided in sections 3080 through 3083, Title 15, California Code of Regulations, incarcerated persons~~inmates~~ shall not travel past the boundaries of a facility unless escorted by authorized staff. incarcerated persons~~inmates~~ shall not be escorted from a facility except in an emergency or when authorized for the purpose of a work or project assignment, transfer to another facility, or temporary community leave or removal.

(d) incarcerated persons~~inmates~~ shall not escape, attempt to escape or conspire with others to escape from the custody of the department. incarcerated persons~~inmates~~ shall not solicit or coerce others to aid or assist in an escape.

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

Section 3016 is amended to read:

3016. Controlled Substances, Drug Paraphernalia, and Distribution.

(a) incarcerated persons~~inmates~~ shall not use, inhale, ingest, inject, or otherwise introduce into their body; any controlled substance, medication, or alcohol, except as specifically authorized by the institution's/facility's health care staff.

(b) incarcerated persons~~inmates~~ shall not possess, manufacture, or have under their control any controlled substance, medication, or alcohol, except as specifically authorized by the institution's/facility's health care staff.

(c) incarcerated persons~~inmates~~ shall not possess, exchange, manufacture, or have under their control any drug paraphernalia as defined by Health and Safety Code section 11014.5, or device related to the use, injection, or manufacture of any controlled substance, except as specifically authorized by the institution's/facility's health care staff.

(d) incarcerated persons~~inmates~~ shall not distribute, as defined in Section 3000, any controlled substance.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2931, 4573, 4573.6, and 5054, Penal Code; and Sections 11014.5, 11350, 11351, 11351.5, 11352, 11352.1, 11352.5, 11355, 11356, 11356.5, 11357, 11359, 11360, 11363, 11364, 11364.5, 11364.7, 11368, 11369, 11370, 11370.1, 11370.2, 11370.4, 11370.6, 11370.9, 11375, 11376, 11377, 11378, 11378.5, 11379, 11379.2, 11379.5, 11379.6, 11379.7, 11379.8, 11379.9, 11381, 11382, 11382.5, 11383, 11383.5, 11383.6 and 11383.7, Health and Safety Code

Section 3017 is amended to read:

3017. Responsibility for Counts.

incarcerated persons~~inmates~~ must be present at designated times and places for counts, and must present themselves for count in the manner set forth in institution procedures.

Comment: Former DR-1116, responsibility for count.

Section 3018 is amended to read:

3018. Telephones.

incarcerated persons~~inmates~~ may not use institution telephones or public coin operated telephones located on institution property except as specifically authorized and as described in section 3282. An incarcerated person~~inmate~~ must identify ~~himself or herself~~ themselves as an incarcerated person~~inmate~~ when answering or making an interinstitution telephone call.

Comment: Former DR-1117, use of telephones.

Section 3019 is amended to read:

3019. Identification.

Incarcerated persons~~Inmates~~ must carry on their person any identification card issued for identification purposes, in accordance with institution procedures. Incarcerated persons~~Inmates~~ must not mutilate or destroy such cards nor possess the card of another incarcerated person~~inmate~~. An incarcerated person~~inmate~~ must surrender ~~his or her~~ their identification card or cards at the request of any employee. Unless a card is being officially recalled, the card(s) will be promptly returned to the incarcerated person~~inmate~~ when staff's use of the card has been accomplished. An incarcerated person~~inmate~~ may be charged for replacement of a deliberately mutilated, lost or destroyed card in accordance with section 3011. An incarcerated person~~inmate~~ may also be charged for replacement of a card if a physical change in the incarcerated person's~~inmate's~~ appearance is a matter of ~~his or her~~ their own choice and the change occurs within six months of the issue of a new or replacement card. An incarcerated person~~inmate~~ will not be charged for replacement of a card because of a physical change in the incarcerated person's~~inmate's~~ appearance over which the incarcerated person~~inmate~~ has no control.

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

Section 3020 is amended to read:

3020. Incarcerated Person~~Inmate~~ Activity Groups.

(a) Incarcerated persons~~Inmates~~ may not establish or participate in the establishment or activities of any incarcerated person~~inmate~~ club, incarcerated person~~inmate~~ activity group, or any association or organization of incarcerated persons~~inmates~~ within the institution except as specifically approved by the warden or superintendent, as provided in Sections 3233-3235.

(b) Incarcerated person~~Inmate~~ participation in an approved activity group will not be cause to deny or restrict regular correspondence and visitation rights with persons who are approved to attend and participate in such inside incarcerated person~~inmate~~ group activities.

Comment: Former DR-1119, unauthorized organizations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079 and 5054, Penal Code.

Section 3021 is amended to read:

3021. Falsification of Records or Documents.

Incarcerated ~~Inmates~~ and supervised persons~~parolees~~ must not intentionally enter or introduce false information into or upon any record or document maintained by the Department of Corrections and Rehabilitation. Incarcerated ~~Inmates~~ and supervised persons~~parolees~~ must not destroy, delete, remove or otherwise intentionally cause any record or document maintained by the Department of Corrections and Rehabilitation to be a false or incomplete record or document by reason of such action.

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

Section 3022 is amended to read:

3022. Equality of Incarcerated Persons~~Inmates~~.

No incarcerated person~~inmate~~ or group of incarcerated persons~~inmates~~ will be given or be permitted to assume control over other incarcerated persons~~inmates~~. This does not preclude the use of incarcerated persons~~inmates~~ as aides or lead persons on work and training assignments when the activity is directed and supervised by responsible employees.

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

Section 3023 is amended to read:

3023. Security Threat Group (STG) Behavior.

(a) Security Threat Groups (STG) jeopardize public safety, as they promote violence, drug trafficking, extortion, and create substantial risks in prisons, jails and local communities. STG management within prisons requires a comprehensive management strategy that includes prevention, interdiction and rehabilitation. It is the policy of the California Department of Corrections and Rehabilitation (CDCR) to ensure that its employees and incarcerated persons~~inmates~~ are able to work and live without threat of intimidation, injury, and/or death.

(b) CDCR has zero tolerance for any STG behavior within its institutions. The STG Identification, Prevention, and Management Policy, as referenced in section 3378, recognizes that STG groups and STG group-like behavior pose a significant risk to the safety, security, and orderly operation of its institutions.

(c) Incarcerated ~~Inmates~~ and supervised persons~~parolees~~ shall not knowingly promote, further or assist any STG as defined in section 3000.

Subsection 3023(d) remains unchanged.

(e) Incarcerated persons~~Inmates~~ shall not conspire, attempt, or participate in behavior specifically identified in Section 3314(a)(3)(L) and 3314(a)(3)(M), Administrative Rules Violations, STG Contraband and Behavior, or Section 3315(a)(3)(Z) and 3314(a)(3)(AA), Serious Rules Violations, STG Violent, Disruptive, or Controlling Behavior.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8, 1364, 2684, 2690, 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

Section 3024 is amended to read:

3024. Business Dealings by Incarcerated Persons~~Inmates~~.

(a) Incarcerated persons~~Inmates~~ shall not engage actively in a business or profession except as authorized by the institution head or as provided in Section 3104. For the purpose of this section, a business is defined as any revenue generating or profit-making activity. An incarcerated person~~inmate~~ who is engaged in a business or profession prior to commitment to the department shall assign authority for the operation of such business or profession to a person in the community.

(b) Incarcerated person~~Inmate~~ mail may be rejected by an institution head or designee for reasons which include, but are not limited to, the mail relates to the direction of an incarcerated person'~~inmate~~'s business or profession. This does not, however, prohibit mail necessary to enable an incarcerated person~~inmate~~ to protect property and funds that were legitimately the incarcerated person'~~inmate~~'s at the time of commitment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; *Turner v. Safley* 482 US 78 (1987).

Article 1.5. DNA and Forensic Identification

Section 3025 is amended to read:

3025. Department of Justice DNA and Forensic Identification Database and Data Bank Program.

(a) All ~~incarcerated inmates~~ and ~~supervised persons parolees~~, including juveniles, committed to the custody of the department after having been convicted of, found guilty of, having pled guilty or no contest to, or having been found not guilty by reason of insanity for, any offense listed in Penal Code (PC) section 296(a), or whose records indicate a prior conviction for such an offense, shall provide all of the following required specimens, to be forwarded to the Department of Justice (DOJ) as soon as administratively practicable:

Subsections 3025(a)(1) through 3025(a)(5) remain unchanged.

(b) The listed specimens shall be provided under the following circumstances, unless the ~~incarcerated person's inmate's~~ central file or other records indicate that all required specimens have already been obtained:

Subsections 3025(b)(1) through 3025(b)(2) remain unchanged.

(3) If the ~~incarcerated inmate~~ or ~~supervised person parolee~~ was convicted of a state or federal offense in another state which would constitute an offense as listed in PC section 296(a);

(4) If notification is received from the DOJ that an ~~incarcerated inmate's~~ or ~~supervised person parolee's~~ specimens already taken for any purpose are not usable for any reason.

(c) DOJ DNA laboratory may obtain blood specimens from qualifying persons as defined in PC section 296(a) when it is determined that such specimens are necessary in a particular case or would aid the DOJ in obtaining an accurate forensic DNA profile for identification purposes. Cases requiring blood specimens include, but are not limited to, buccal swab samples that cannot be properly identified or analyzed by DOJ, or if the ~~incarcerated person inmate~~ refuses to submit to DNA buccal swab collection, and/or print impressions.

(d) Newly committed ~~incarcerated persons inmates~~ and persons returned to custody based upon a violation of parole, furlough or any other type of release, who meet the criteria established in PC section 296(a), shall, provide the required specimens, samples and print impressions during the reception center process or reasonably promptly after their transfer to an institution/facility.

(e) ~~Supervised persons Parolees~~ identified as meeting the criteria established in PC section 269(a) for present and past qualifying offenses, shall provide the required specimens, samples and print impressions within five days of notification by the court, or by parole unit staff at a collection location designated in accordance with PC section 296.1(a)(3)(B).

Subsections 3025(f) through 3025(h) remain unchanged.

(i) Any ~~incarcerated inmate~~ or ~~supervised person parolee~~ who refuses to provide any or all of the following; blood specimens, buccal swab samples, or thumb or palm print impressions as required by Penal Code, Part 1, Title 9, Chapter 6, Articles 1 through 7 (sections 295 et seq.), after ~~he or she~~ ~~they~~ ~~has~~ ~~have~~ received written notice that ~~he or she is~~ ~~they are~~ required to provide specimens,

samples, and print impressions is guilty of a misdemeanor. An incarcerated person inmate who refuses shall also be subject to progressive discipline pursuant to California Code of Regulations, Title 15, Division 3, Chapter 1, Subchapter 4, Article 5 (section 3310 et seq.).

(j) The use of reasonable force, as defined in section 3268(a)(1), shall not be authorized without the prior written authorization at the level of Facility/Correctional Captain or higher, or the administrative officer on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impressions as required by law, and that ~~he or she~~ they refused to do so.

(k) The use of reasonable force, as defined in section 3268(a)(1), shall be preceded by efforts to secure voluntary compliance.

(l) If the use of reasonable force to obtain DNA includes a cell extraction, the extraction shall be videotaped. The videotaping shall depict all correctional personnel directly involved and the advisement to the incarcerated person inmate that the requisite specimen, sample or impressions is required. All incidents that required the use of reasonable force to obtain DNA samples shall be tracked and maintained by the institutional DNA coordinator and forwarded to the Assistant Secretary, Office of Correctional Safety.

Subsections 3025(m) through 3025(m)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 295-300.3 and 5054, Penal Code.

Article 2. State-Issued Incarcerated Person~~Inmate~~ Clothing and Linen

Section 3030 is amended to read:

3030. Issuance and Possession of State Clothing and Linen.

(a) Each incarcerated person inmate shall be provided state clothing and linen pursuant to this section. Each item issued shall remain state property for which the incarcerated person inmate shall be accountable. State items shall be recalled and exchanged as directed by the institution head.

(b) Incarcerated persons inmates shall possess only those items of state clothing and linen issued to them. Below are the standard incarcerated person inmate issues:

(1) Each incarcerated person inmate shall be issued:

Subsections 3030(b)(1)(A) through 3030(b)(1)(E) remain unchanged.

(F) The distinctive, protective and/or extra clothing required by the climate and/or the incarcerated person inmate's job assignment.

(2) In addition to the items in (1) above, each male incarcerated person inmate shall be issued:

Subsections 3030(b)(2)(A) through 3030(b)(2)(G) remain unchanged.

(3) In addition to the items in (1) above, each female incarcerated person inmate shall be issued:

Subsections 3030(b)(3)(A) through 3030(b)(3)(H) remain unchanged.

(I) Pregnant incarcerated persons inmates shall be issued one additional, larger pair of shoes.

(c) Transgender incarcerated persons inmates and incarcerated persons inmates having symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel

within a CDCR institution shall be allowed to possess the state-issued clothing that corresponds to their gender identities in place of the state-issued clothing that corresponds to their assigned sex at birth at designated institutions.

(d) Incarcerated persons~~Inmates~~ shall possess only those items of personal clothing specifically authorized by the institution head and acquired pursuant to these regulations.

(e) During interdepartmental transportation, male incarcerated persons~~inmates~~ shall wear a red, one-piece outer garment and female incarcerated persons~~inmates~~ shall wear an orange, two-piece outer garment; and all shall wear state-issued shoes, socks, and underclothes; and may possess one handkerchief.

(f) Incarcerated persons~~Inmates~~ transported for appearance in court shall wear clean state-issued clothing, unless otherwise ordered by the court.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code; and *Quine v. Beard*, No. C 14-02726 JST.

Section 3031 is amended to read:

3031. Neatness and Laundry Exchange.

(a) Incarcerated persons~~Inmates~~ shall be appropriately clothed at all times consistent with the specific unit, work or program activities and as directed by staff. Incarcerated person~~Inmate~~ clothing shall be worn in the manner in which it was manufactured to be worn.

(b) Each incarcerated person~~inmate~~ shall maintain issued clothing and linen as neat and clean as conditions permit. Weekly laundry exchange shall be provided on a one-for-one basis limited as follows;

Subsections 3031(b)(1) through 3031(b)(8) remain unchanged.

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

Section 3032 is amended to read:

3032. Alteration of Clothing.

(a) Incarcerated persons~~Inmates~~ shall not alter or dispose of damaged or worn out personal or state-issued clothing or linen in any manner without specific authority to do so. If the regular issue of clothing or linen does not meet an incarcerated person's~~inmate's~~ special physical/health needs, the chief medical officer may authorize a special issue to that incarcerated person~~inmate~~ based upon a medical necessity as defined in section 3350(b)(1). Upon staff verification, a state-issued item which is lost or damaged through no fault of the incarcerated person~~inmate~~ shall be replaced without charge to the incarcerated person~~inmate~~.

(b) An incarcerated person~~inmate~~ shall not alter personally owned clothing in any manner that would change its characteristics or style from that originally approved by the institution head.

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

Article 3. Work and Education

Section 3040 is amended to read:

3040. Participation.

(a) Every able-bodied person committed to the custody of the Secretary of the Department of Corrections and Rehabilitation is obligated to work as assigned by department staff and by personnel of other agencies to whom the incarcerated person's~~inmate's~~ custody and supervision may be delegated. Assignment may be up to a full day of work, or other programs including Rehabilitative Programs managed by the Division of Rehabilitative Programs (DRP), as defined in section 3000, or a combination of work or other programs.

(b) Incarcerated persons~~Inmates~~ assigned to a physical fitness program as part of a work incentive program shall be held to the same obligations and participation requirements governing work assignments or other programs including Rehabilitative Programs managed by DRP.

(c) Except as provided in section 3040(e), a classification committee shall refer each incarcerated person~~inmate~~ to an appropriate work, Academic Education, Career Technical Education, therapeutic or other institution program, taking into account the:

(1) Incarcerated person's~~Inmate's~~ expressed desires and needs.

(2) Incarcerated person's~~Inmate's~~ eligibility for and availability of the desired work or program activity.

Subsection 3040(c)(3) remains unchanged.

(4) Safekeeping of the incarcerated person~~inmate~~.

Subsection 3040(c)(5) remains unchanged.

(d) Despite an incarcerated person's~~inmate's~~ assignment to a program mutually agreed upon in a classification committee hearing, or pending such a hearing, or pending assignment to a designated program, or during any period when the designated program is temporarily suspended, or in the absence of the incarcerated person's~~inmate's~~ agreement to participate in any programs, any able-bodied incarcerated person~~inmate~~ may be assigned to perform any work deemed necessary to maintain and operate the institution and its services in a clean, safe and efficient manner. Operational needs may always override a program assignment.

(e) Incarcerated persons~~Inmates~~ assigned to clerical duties and office work positions, requiring an extensive amount of staff and incarcerated person~~inmate~~ interaction, such as clerks and teachers' aides, shall be rotated at regular intervals to other positions within the institution even though that may result in lower pay, or no pay at all, to the incarcerated person~~inmate~~ being rotated out of the position. The institution head shall determine the rotation schedule based upon security needs of the institution. Assignments to such positions shall not exceed a two-year period. Routine rotation shall not affect the incarcerated person's~~inmates'~~ work or training group designation, although it may divest the incarcerated person~~inmate~~ of a paid position.

(f) Any staff request for removal of an incarcerated person~~inmate~~ from a program shall be submitted to the incarcerated person's~~inmate's~~ correctional counselor on a CDC General Chrono Form. The counselor shall refer the request to a classification committee for consideration and action. If a request is for cause, defined as behavior that would result in loss of participation credit

pursuant to section 3043.2(a), the incarcerated person~~inmate~~ may be temporarily relieved of the position and denied pay (if a paid position), pending classification committee action.

(g) Work assignments, in lieu of enrollment and participation in a Rehabilitative Program managed by DRP, or other therapeutic or institution program assignments, may be made with or without the incarcerated person's~~inmate's~~ consent by a classification committee, a staff member designated as an ~~inmate~~ assignment lieutenant, or by any staff member responsible for the supervision of an unassigned incarcerated person~~inmate~~.

(h) Incarcerated persons~~Inmates~~ who have a history of computer fraud or abuse, including documented institutional disciplinary action involving computer fraud or abuse, shall not be placed in any work assignment that provides access to a computer, or rehabilitative program which provides access to the internet.

(i) A job description shall be developed for each incarcerated person~~inmate~~ work/training position, establishing the minimum standards of acceptable participation and performance and the possible consequences of failure or refusal to meet the standards. The incarcerated person~~inmate~~ shall sign a copy of the job description, indicating acceptance of the conditions of employment, and shall receive a copy.

(j) The allocation of paid incarcerated person~~inmate~~ work/training assignments on an institution-specific basis shall be made by the institution's incarcerated ~~inmate~~ pay committee. Each institution shall administer an incarcerated person~~inmate~~ pay program consistent with the budget allotted for such assignments. As directed and in accordance with section 3380, Department and institutional incarcerated ~~inmate~~ pay committees shall administer incarcerated person~~inmate~~ rate and wage matters subject to these regulations.

(k) An incarcerated person's~~inmate's~~ assignment to a paid position is a privilege dependent on available funding, job performance, seniority and conduct. These factors shall be criteria considered in determining an incarcerated person's~~inmate's~~ eligibility for pay earning status and rate of pay.

(l) The following incarcerated person~~inmate~~ assignments shall not be considered paid work or training assignments.

- (1) Incarcerated person ~~Inmate~~ advisory council members (except the chairperson and secretary).
- (2) Rehabilitative Programs managed by DRP (except Peer Literacy Mentor Program mentors and ~~Offender Occupational~~ Mentor Certification Program certified mentors, interns, and trainees).
- (3) Any other specific work or training assignment deemed "non-pay" by the incarcerated ~~inmate~~ pay committee of the institution or facility.

NOTE: Authority cited: Sections 2700 and 5058, Penal Code. Reference: Section 1182, Labor Code; and Sections 502, 2933, 5054 and 5068, Penal Code.

Section 3040.1 is amended to read:

3040.1. Integrated Substance Use Disorder Treatment and Cognitive Behavioral Interventions Criteria.

Subsection 3040.1(a) remains unchanged.

(1) CBI Intensive Outpatient and CBI Outpatient eligibility criteria and priority placement shall be for incarcerated persons based upon a health care services referral for incarcerated persons who have a substance use disorder, or for incarcerated persons who have a criminogenic need for any CBI program as identified by the automated risk or needs assessment tools as listed in sections 3375.6 and 3768.1.

(2) CBI Life Skills eligibility criteria and priority placement shall be for incarcerated persons based upon a health care services referral for incarcerated persons who do not have a specific substance use disorder or for incarcerated persons who have a criminogenic need for any CBI program as identified by the automated risk or needs assessment tools as listed in sections 3375.6 and 3768.1.

Subsection 3040.1(b) remains unchanged.

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

Section 3040.3 is amended to read:

3040.3. Education Assignments.

(a) Institutions shall establish Adult Basic Education (ABE), Adult Secondary Education (ASE), Post-Secondary Education, Career Technical Education (CTE), Computer Related Technologies (CRT), and Transition courses that focus on increasing literacy and employability of incarcerated persons in preparation for release from state prison. Every effort shall be made to assign incarcerated persons concurrently to education programs, rehabilitative programs, and work assignments. Every effort shall be made to reasonably accommodate incarcerated persons with disabilities to enable their participation to the best of their abilities. Assignments to education programs shall be for the prescribed length of participation required to complete the course, and in accordance with the following criteria:

(1) Adult Basic Education (ABE) and Adult Secondary Education (ASE) Courses: During the classification process, incarcerated persons shall be placed on a waiting list for ABE or ASE courses if they do not have a nationally-recognized High School Diploma (HSD), High School Equivalency (HSE), or for incarcerated persons with developmental disabilities, a Certificate of Completion (certificate of attendance and participation).

(A) Incarcerated persons are responsible for authorizing official school transcripts from a regionally accredited school recognized by the United States Department of Education to be sent to the Department as proof that they have earned a HSD, HSE, or Certificate of Completion. Once the institution's school registrar receives the incarcerated person's official school transcripts, the registrar will note the incarcerated person's graduation status in the Strategic Offender Management System, and the student will be removed from the ABE or ASE waiting list or class.

(B) Incarcerated persons shall be assigned to the course in the order in which they appear on the waiting list, subject to space availability. Placement into the appropriate course shall be in accordance with the incarcerated person's most recently assessed reading level, as mandated by the California Department of Education per Welfare and Institutions Code sections 19011 and 19012. The following chart corresponds the incarcerated person's course placement with their reading level:

<i>Adult Basic Education</i>	<i>Reading Level</i>
ABE I	0-3.9
ABE II	4-6.9
ABE III	7-8.9
GED/High School	9+

(C) If an incarcerated person~~inmate~~ is precluded from placement into an ABE or ASE course due to a medical or mental health diagnosis, disciplinary action, or safety or security threat, the preclusion shall be documented pursuant to Section 3375(g). Incarcerated persons~~Inmates~~ at the Enhanced Outpatient Program (EOP) level of care shall participate in ABE and ASE courses in accordance with Section 3043.7(d)(1).

(D) Incarcerated persons~~Inmates~~ with language barriers or developmental, cognitive, or physical impairments shall be mainstreamed in ABE and ASE courses and are offered additional assistance with course assignments.

(2) Post-Secondary Education Courses: Incarcerated persons~~Inmates~~ with a HSD or HSE may apply to colleges or universities recognized by a United States Department of Education accrediting agency. Incarcerated persons~~Inmates~~ may participate via correspondence courses, or may attend onsite college courses when available and with the approval of the institution's school principal. Incarcerated persons~~Inmates~~ are responsible for the payment of tuition, loans, textbooks, and other associated fees. Courses shall be college level, shall not duplicate Department course content, and shall lead to a degree or certificate.

(3) Career Technical Education (CTE) Courses: During the classification process, incarcerated persons~~inmates~~ with a medium to high need for employment based on the Department's automated needs assessment tool, per Section 3375.6, shall be placed on a waiting list for a CTE course of their choice, and on a waiting list for a CTE course recommended by the Education Administrator based on course availability. Incarcerated persons~~Inmates~~ with six months to four years prior to release shall receive priority assignment to a CTE course in the order in which they appear on the waiting list, subject to space availability. Incarcerated persons~~Inmates~~ who have previously completed CTE courses are exempt from assignment to CTE courses.

(A) Incarcerated persons~~Inmates~~ with language and cultural barriers or developmental, cognitive, or physical impairments shall be mainstreamed in CTE courses and are offered additional assistance with course assignments.

(4) Computer Related Technologies (CRT) Courses: During the classification process, incarcerated persons~~inmates~~ shall be placed on a waiting list for CRT courses. Incarcerated persons~~Inmates~~ who have six months or more prior to release shall be assigned to the course in the order in which they appear on the waiting list, subject to space availability. Incarcerated persons~~Inmates~~ who have previously completed CRT courses are exempt from assignment to CRT courses.

(5) Transitions Course: During the classification process, incarcerated persons~~inmates~~ shall be placed on a waiting list for the Transitions course. Incarcerated persons~~Inmates~~ who are within two years of release shall be assigned to the course in the order in which they appear on the waiting list, subject to space availability. Incarcerated persons~~Inmates~~ who have previously completed a Transitions course are exempt from assignment to a Transitions course.

(b) Education programs are open-entry and open-exit; incarcerated persons~~inmates~~ may be assigned, reassigned, or unassigned to courses at any time throughout the year.

Subsection 3040.3(b)(1) remains unchanged.

(2) Students may be unassigned from ABE, ASE, CTE, CRT, or Transition courses for good cause on a case by case basis. Reasons for unassignment include but are not limited to: Department receipt of official school transcripts indicating an incarcerated person~~inmate~~ has earned a HSD, HSE, Certificate of Completion, or college degree, incarcerated person~~inmate~~ release from prison, transfer of the incarcerated person~~inmate~~ to a different institution, incarcerated person~~inmate~~ disciplinary action, or the incarcerated person~~inmate~~ poses a threat to institutional safety and security.

(A) Once incarcerated persons~~inmates~~ have completed educational courses, they shall be unassigned from the course.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2053 and 2053.1, Penal Code, Sections 19011 and 19012, Welfare and Institutions Code.

Section 3041 is amended to read:

3041. Performance.

(a) Incarcerated persons~~Inmates~~ must perform assigned tasks diligently and conscientiously. Incarcerated persons~~Inmates~~ must not pretend illness, or otherwise evade attendance or avoid performance in assigned work, education and programs, or encourage others to do so.

(b) Incarcerated persons~~Inmates~~ must report to their place of assignment at the time designated by the institution's schedule of activities and as instructed by their assignment supervisor. Incarcerated persons~~Inmates~~ may not leave an assignment without permission to do so.

(1) Time and payroll credits for paid incarcerated inmate workers shall be documented on timekeeping logs maintained by work supervisors in accordance with section 3045.

(2) The duration of an unauthorized absence from a compensated assignment shall be documented and under no circumstances shall an incarcerated person~~inmate~~ be paid under the authority of section 3041.2 for time not worked.

(c) Incarcerated persons~~Inmates~~ must perform their work and program assignments in a safe manner, using safety equipment as instructed by their assignment supervisor.

(d) Incarcerated persons~~Inmates~~ assigned to Cognitive Behavioral Interventions, Academic Education, Career Technical Education, Transitions, or other programs must cooperate with the instructor or the person in charge, and must comply with instructions, and all requirements for participation in the assigned activity.

(e) Incarcerated persons~~Inmates~~ in assignments where they will type, file, or otherwise handle any nonconfidential information pertaining to another incarcerated person~~inmate~~ shall comply with all state Information Practices Act (Civil Code Sections 1798, et seq.) requirements.

(1) For purposes of this section incarcerated persons~~inmates~~ in such assignments are designated "special agents" of the Department of Corrections and Rehabilitation as defined in Civil Code Section 2297, for the limited purposes of typing, filing, and handling information under the supervision of employees of the Department, and for no other purpose.

(2) Pursuant to Civil Code Section 2318 incarcerated inmate “special agents” are specifically deprived of the authority to disobey instructions as described in Civil Code Section 2320.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 2297, 2318, 2320 and 1798 et seq., Civil Code.

Section 3041.1 is amended to read:

3041.1. Paid Incarcerated Person~~Inmate~~ Work/Training Assignment Criteria.

(a) Incarcerated person~~Inmate~~ work/training supervisors, in accordance with section 3040(d), shall fill vacant paid incarcerated person~~inmate~~ assignments based on the following criteria:

(1) Skill level evidenced by the incarcerated person'~~inmate~~'s technical expertise, ability, and knowledge.

(2) Behavior and relationships with others evidenced by the incarcerated person'~~inmate~~'s ability to deal with staff and other authority figures, work/training supervisors, and other incarcerated persons~~inmates~~.

(3) Attitude and adaptability evidenced by the incarcerated person'~~inmate~~'s willingness to learn and to take directions.

(4) Work/training habits evidenced by the incarcerated person'~~inmate~~'s punctuality, dependability, care of equipment, and safety practices.

(5) Formal education and training evidenced by the incarcerated person'~~inmate~~'s preparation for the assignment and ability to read, write, and speak effectively.

Subsection 3041.1(a)(6) remains unchanged.

(7) Ethnic balance. Ethnic balance is achieved by having the facility's White, Black, Hispanic, American Indian, and other identified ethnicities in the incarcerated person~~inmate~~ population proportionately represented in the number of paid assignments at the facility.

Subsection 3041.1(b) remains unchanged.

(c) Incarcerated persons~~Inmates~~ assigned to paid positions will be paid from the fund or allotment of the institution's/facility's support budget.

Subsection 3041.1(d) remains unchanged.

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

Section 3041.2 is amended to read:

3041.2. Incarcerated Person~~Inmate~~ Pay Rates, Schedule and Exceptions.

(a) Pay rates at each facility for paid incarcerated person~~inmate~~ assignments shall be commensurate with the level of skill and productivity required and shall be set with the assistance of the Institutional Incarcerated ~~Inmate~~ Pay Committee . Pay rates shall be in accord with the following general pay schedule adopted and revised by the Secretary pursuant to the Administrative Procedures Act.

Subsections 3041.2(a)(1) through 3041.2(a)(2) remain unchanged.

(3) Pay rates shall apply to employment in the job classifications and shall be paid from the support budget or incarcerated ~~inmate~~ welfare funds.

(b) Exceptions to the above schedules may be made in extraordinary circumstances. A wage comparable to that paid to incarcerated persons~~inmates~~ in the Prison Industry Authority incarcerated person~~inmate~~ pay program may be paid for special projects or assignments that require a high degree of skill or expertise. Other exceptions may also be made in order to fill positions when recruitment or retention of incarcerated ~~inmate~~ workers is a problem. Any exceptions based upon this subsection shall require approval, review and justification on an annual basis by the institution head and Director of Division of Adult Institutions or designees.

(c) Pay increases shall not be automatic or based on the incarcerated person'~~sinmate~~'s longevity in an assignment. Increases or reductions in the pay rate shall be based on available funding, the work/training supervisor's recommendation, and the incarcerated person'~~sinmate~~'s work/training performance reports, subject to review and approval of the incarcerated person~~inmate~~ assignment authority.

(d) Incarcerated persons~~Inmates~~ may receive a pay increase only on a quarterly basis and only until the maximum pay rate for that assignment is obtained.

(e) Incarcerated person~~Inmate~~ performance rating and total hours in job categories shall be reviewed when changes in job classifications are being considered. Incarcerated persons~~Inmates~~ approved for advancement to a higher skill classification shall enter the new classification at a pay grade equal or greater to their previous pay grade in the lower skill, unless the new assignment is to a non-paid position.

(f) The reason for any reduction in an incarcerated person'~~sinmate~~'s pay rate, including either removing the pay status or decreasing the pay level from an assigned position or reassigning the incarcerated person~~inmate~~ to a non-paid or lower paid position, shall be documented in the incarcerated person'~~sinmate~~'s central file as follows:

(1) When the reason for a pay reduction is misconduct, including the incarcerated person'~~sinmate~~'s willful refusal or failure to work as directed, the matter shall be reported in accordance with Sections 3314 and 3315 as appropriate.

(2) When the reason for a pay reduction is not the fault of the incarcerated person~~inmate~~, including their inability to satisfactorily perform the required duties after a reasonable effort to do so, the matter shall be documented on a CDC General Chrono.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2700 and 5054, Penal Code.

Section 3041.3 is amended to read:

3041.3. Incarcerated~~Inmate~~/ Supervised Person Parolee Access to Computers.

(a) Incarcerated persons~~Inmates~~ shall not access any computer outside of their authorized work, Rehabilitative Programs managed by the Division of Rehabilitative Programs (DRP), as defined in section 3000, or as needed for legal research on the Law Library Electronic Delivery System, except as authorized by the department's Information Security Officer (ISO).

(b) Incarcerated persons~~Inmates~~ shall not access any computer connected to a local area network (LAN), or which has any type of direct, outside communication capability, except as approved by the ISO or provided in section 3370(c).

(c) Only those computer programs developed by incarcerated persons~~inmates~~ that are written in a programming language approved by the ISO shall be authorized for use.

(1) The use of incarcerated persons~~inmates~~ as programmers and system experts shall be prohibited where there is a risk to the information assets of the department or the public, as determined by the institution head or the ISO. Incarcerated persons~~Inmates~~ shall not be used as programmers or system experts for departmental business applications, systems, and data.

(2) Incarcerated persons~~Inmates~~ assigned to one computer for work, or a Rehabilitative Program managed by DRP shall not be assigned to, or permitted to use, any other computer, except as approved by the ISO.

(d) Areas where incarcerated persons~~inmates~~ are authorized to work on computers shall be posted as such. Each computer in a facility shall be labeled to indicate whether or not incarcerated persons~~inmates~~ are authorized access to that computer.

(e) Incarcerated persons~~Inmates~~ shall not access any computer that contains or is capable of accessing sensitive or confidential information or is connected to, other computers containing sensitive or confidential information, except as provided in section 3370(b).

(f) Incarcerated persons~~Inmates~~ shall not use or be informed of any computer password, except when issued by the supervising staff. The supervising staff and not the incarcerated person~~inmate~~ must always retain the ability to change the password.

(g) Incarcerated persons~~Inmates~~ shall not have access to diskettes or any other electronic storage media, except within an area approved by the institution head.

(h) Incarcerated persons~~Inmates~~ shall not possess a computer as part of their personal property.

(i) Incarcerated persons~~Inmates~~ shall not access or use any computer-based tool or program that is capable of destroying or corrupting stored data, except as provided in sections 3041.3(m) and 3370(c).

(j) Incarcerated persons~~Inmates~~ who have a record of computer fraud or abuse shall not be placed in any work assignment which provides access to a computer and shall be restricted from computer based rehabilitative programs which provide Internet access.

(k) No external communication capabilities; e.g., telephone lines with connectivity outside the ~~inmate~~ facility, data lines, data punch panels, or telephone access punch panels, shall be permitted in any area where incarcerated persons~~inmates~~ are allowed to access computers, except as approved in writing by the ISO. The local Information Security Coordinator must keep a copy of the written exception on file for post audit.

(l) Incarcerated persons~~Inmates~~ shall not directly access or alter any computer's operating system, except as provided in sections 3041.3(m) and 3370(b), or authorized by the ISO.

(m) Incarcerated person~~Inmate~~ refurbishing of computers shall be permitted only as part of a program that has been approved, and subject to all requirements established, by the institution head and ISO. An unclothed body search shall be conducted on each incarcerated person~~inmate~~ prior to their exiting any area where a computer refurbishing program exists.

(n) Each parole office shall ensure the security of computers, LANs, and modems or other communication devices used in that office from unauthorized access by supervised

~~persons~~~~parolees~~. The unit supervisor of each parole office shall be responsible for enforcement of this subsection.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 502 and 502.7, Penal Code.

Article 3.3. Credits

Section 3043 is amended to read:

3043. Credit Earning.

(a) General. ~~Incarcerated persons~~~~Inmates~~ are expected to work or participate in rehabilitative programs and activities to prepare for their eventual return to society. ~~Incarcerated persons~~~~Inmates~~ who comply with the regulations and rules of the Department and perform the duties assigned to them shall be eligible to earn Good Conduct Credit as set forth in section 3043.2 of this article. Unless otherwise precluded by this article, all ~~incarcerated persons~~~~inmates~~ who participate in approved rehabilitative programs and activities, including ~~incarcerated persons~~~~inmates~~ housed in restricted housing units or in other restricted housing, shall be eligible to earn Milestone Completion Credit, Rehabilitative Achievement Credit, and Educational Merit Credit as set forth in sections 3043.3, 3043.4, and 3043.5 of this article. The award of these credits, as well as Extraordinary Conduct Credit as set forth in section 3043.6 of this article, shall advance an ~~incarcerated person's~~~~inmate's~~ release date if sentenced to a determinate term subject to subdivision (c) of this section or advance an ~~incarcerated person's~~~~inmate's~~ initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. ~~Incarcerated persons~~~~Inmates~~ who do not comply with the regulations and rules of the Department or who do not perform the duties assigned to them shall be subject to credit forfeiture as provided in this article.

(b) ~~Incarcerated Person~~~~Inmate~~ Participation in Credit Earning Programs and Activities. All eligible ~~incarcerated persons~~~~inmates~~ shall have a reasonable opportunity to earn Good Conduct Credit, Milestone Completion Credit, Rehabilitative Achievement Credit, and Educational Merit Credit in a manner consistent with the availability of staff, space, and resources, as well as the unique safety and security considerations of each prison. No credit shall be awarded for incomplete, partial, or unsatisfactory participation in the credit earning programs or activities described in this article, nor shall credit be awarded for diplomas, degrees, or certificates that cannot be verified after due diligence by Department staff.

(c) Release Date Restriction.

(1) The following Release Date Restriction took effect on April 13, 2017. Under no circumstance shall a determinately sentenced ~~incarcerated person~~~~inmate~~ be awarded credit or have credit restored by the Department which advances their release to a date less than 60 calendar days from the date the award or restoration of such credit is entered into the Department's information technology system, except pursuant to a court order.

(2) The following Release Date Restriction shall commence on May 1, 2019 and supersede the Release Date Restriction in subsection (c)(1). Under no circumstance shall a determinately sentenced ~~incarcerated person~~~~inmate~~ be awarded credit or have credit restored by the Department which advances their release to a date less than 15 calendar days from the date the award or restoration of such credit is entered into the Department's information technology system, except pursuant to a court order. This restriction shall instead be 45 calendar days for all incarcerated

persons~~inmates~~ convicted of an offense identified in section 3058.9 of the Penal Code, and 60 calendar days for all incarcerated persons~~inmates~~ serving a term for a violent felony, defined in subdivision (c) of section 667.5 of the Penal Code, as stated in section 3058.6 of the Penal Code, except pursuant to a court order.

(d) Participation by Incarcerated Persons~~Inmates~~ Sentenced as Adults and Placed In an Alternative Custody Setting. Incarcerated persons~~Inmates~~ sentenced as adults and placed in an alternative custody setting prior to parole, including a pre-parole or re-entry program, are eligible to earn Good Conduct Credit and participate in programs to earn Milestone Completion Credit, Rehabilitative Achievement Credit, Educational Merit Credit, and Extraordinary Conduct Credit. Placement in an alternative custody setting means transfer of an incarcerated person~~inmate~~, prior to parole, to serve the remainder of their term of incarceration in a community based re-entry facility administered by the Department in lieu of confinement in a state prison or Department of Forestry and Fire Protection fire camp. For purposes of calculating when an Incarcerated person~~inmate~~'s period of incarceration will be completed pursuant to subdivision (c)(3) of section 1731.5 and subdivision (b) of section 1731.7 of the Welfare and Institutions Code, commencing January 1, 2019, the Department shall consider the Good Conduct Credit, Milestone Completion Credit, and Rehabilitative Achievement Credit that may be earned during the incarcerated person~~inmate~~'s incarceration.

(e) Participation by Incarcerated Persons~~Inmates~~ Housed In A Different Jurisdiction. Incarcerated persons~~Inmates~~ serving criminal sentences under California law but housed in a different jurisdiction, including those participating in the Western Interstate Corrections Compact, participating in the Interstate Corrections Compact Agreement, housed in a facility administered by a county sheriff, housed in a facility administered by the California Department of State Hospitals, or housed in a facility administered by the Federal Bureau of Prisons, are only eligible to participate in Good Conduct Credit, Educational Merit Credit, and Extraordinary Conduct Credit as described in this article, subject to the criteria set forth in subsection (b).

(f) The award of Educational Merit Credits as set forth in section 3043.5, shall also advance an incarcerated person~~inmate~~'s Youth Parole Eligible Date as specified in subsection 3043.5(g). Good Conduct Credit, Milestone Completion Credit, Rehabilitative Achievement Credit, and Extraordinary Conduct Credit as set forth in sections 3043.2, 3043.3, 3043.4, and 3043.6 of this article shall not advance an incarcerated person~~inmate~~'s Youth Parole Eligible Date.

NOTE: Authority cited: Cal. Const., art. 1, sec 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 3041, 3051, 3058.6 and 3058.9, Penal Code.

Section 3043.2 is amended to read:

3043.2. Good Conduct Credit.

(a) The award of Good Conduct Credit requires that an incarcerated person~~inmate~~ comply with Departmental regulations and local rules of the prison and perform the duties assigned on a regular and satisfactory basis.

(b) Notwithstanding any other authority to award or limit credit, effective May 1, 2017, the award of Good Conduct Credit shall advance an incarcerated person~~inmate~~'s release date if sentenced to a determinate term or advance an incarcerated person~~inmate~~'s initial parole hearing date

pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole pursuant to the following schedule.

(1) No credit shall be awarded to an incarcerated person~~inmate~~ sentenced to death or a term of life without the possibility of parole.

(2) The following Good Conduct Credit rate shall be awarded to an incarcerated person~~inmate~~ serving a determinate or indeterminate term for a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code, unless the incarcerated person~~inmate~~ qualifies under paragraph (4)(B) of this section or is statutorily eligible for greater credit pursuant to this article or the provisions of Article 2.5 (commencing with section 2930) of Chapter 7 of Title 1 of Part 3 of the Penal Code:

Subsections 3043.2(b)(2)(A) through 3043.2(b)(2)(C) remain unchanged.

(3) The following Good Conduct Credit rate shall be awarded to an incarcerated person~~inmate~~ sentenced under the Three Strikes Law, under subdivision (c) of section 1170.12 of the Penal Code, or under subdivision (c) or (e) of section 667 of the Penal Code, who is not serving a term for a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code unless the incarcerated person~~inmate~~ is serving a determinate sentence and qualifies under paragraph (5)(B) of this section:

Subsections 3043.2(b)(3)(A) through 3043.2(b)(4) remain unchanged.

(A) An incarcerated person~~inmate~~ not otherwise identified in paragraphs (1)-(3) above.

(B) An incarcerated person~~inmate~~ serving a determinate term for a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code who has successfully completed the requisite physical fitness training and firefighting training to be assigned as a firefighter to a Department of Forestry and Fire Protection fire camp or as a firefighter at a Department of Corrections and Rehabilitation firehouse; or

(C) An incarcerated person~~inmate~~ serving a determinate term for a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code who is housed at a Department of Forestry and Fire Protection fire camp in a role other than firefighter.

(5) Two days of credit for every one day of incarceration (credit rate of 66.6%) shall be awarded to:

(A) An incarcerated person~~inmate~~ eligible to earn day-for-day credit (50%) pursuant to paragraph (4)(A) above who is assigned to Minimum A Custody or Minimum B Custody pursuant to section 3377.1; or

(B) An incarcerated person~~inmate~~ eligible to earn 50% pursuant to paragraph (3)(B) above who is assigned to Minimum A Custody or Minimum B Custody pursuant to section 3377.1.

(C) An incarcerated person~~inmate~~ serving a determinate sentence, who is not serving a term for a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code, who has successfully completed the requisite physical fitness training and firefighting training to be assigned as a firefighter to a Department of Forestry and Fire Protection fire camp or as a firefighter at a Department of Corrections and Rehabilitation firehouse; or

(D) An incarcerated person~~inmate~~ serving a determinate sentence, who is not serving a term for a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code, who is housed at a Department of Forestry and Fire Protection fire camp in a role other than firefighter.

(c) For purposes of placement in an alternative custody setting the department shall consider the Good Conduct Credit that may be earned during the incarcerated person's~~inmate's~~ incarceration. An incarcerated person~~inmate~~ who is placed in an alternative custody setting, including a pre-parole or re-entry program, shall be awarded the same Good Conduct Credit that the incarcerated person~~inmate~~ earned prior to that placement with the exception of Work Group F. Incarcerated persons~~Inmates~~ shall be assigned to Work Group F for at least 12 cumulative months in order to maintain Work Group F Good Conduct Credit earning prior to placement in an alternative custody setting.

Subsection 3043.2(d) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 667, 667.5, 1170.2, 2930 and 3041, Penal Code.

Section 3043.3 is amended to read:

3043.3. Milestone Completion Credit.

(a) The award of Milestone Completion Credit (MCC) requires the achievement of a distinct objective of approved rehabilitative programs, including academic programs, social life skills programs, Career Technical Education programs, Cognitive Behavioral Interventions (CBI) programs, Enhanced Outpatient Program group module treatment programs, or other approved programs with similar demonstrated rehabilitative qualities. To be awarded such credit, the incarcerated person~~inmate~~ shall participate in all required program activities for the duration of the program, to include any subcomponents required in the curriculum for that program. Passing an exam alone shall not qualify for the award of such credit.

(b) Milestone Completion Credit for completing academic courses (e.g., Education Functional Level, GED, and high school MCC courses) related to a high school diploma shall not be awarded to incarcerated persons~~inmates~~ already possessing an accredited high school diploma, high school equivalency, or college degree.

(1) Office of Correctional Education staff shall conduct a review for any information located in the Strategic Offender Management System (SOMS) and the Electronic Records Management System (ERMS) indicating the incarcerated person~~inmate~~ has received their high school diploma, High School Equivalency (HSE) certificate, or college degree conferred by an educational institution accredited by an accrediting agency approved by the United States Department of Education. This review shall also include review for any claims by the incarcerated person~~inmate~~ that they have received a high school diploma, HSE certificate, or college degree.

(2) Office of Correctional Education staff shall verify the incarcerated person's~~inmate's~~ receipt of a high school diploma or college degree by obtaining the official transcript from the school from which the incarcerated person~~inmate~~ claims to have graduated. Office of Correctional Education staff shall verify the incarcerated person's~~inmate's~~ receipt of a HSE certificate by obtaining the incarcerated person's~~inmate's~~ HSE certificate from any general educational development database or obtaining a letter from the high school from which the incarcerated person~~inmate~~ took the HSE exam that confirms the incarcerated person~~inmate~~ received a HSE certificate.

(3) Office of Correctional Education staff shall document their review and verification of an incarcerated person's~~inmate's~~ educational history in the education section of SOMS. Documentation of the review and verification shall include: the date of the request for the release of the transcript, HSE certificate, or letter confirming the incarcerated person~~inmate~~ received a HSE certificate; the name of the entity to which the request was submitted; the date that the transcript, HSE certificate, or letter confirming the incarcerated person~~inmate~~ received a HSE certificate was received; whether the incarcerated person~~inmate~~ earned their high school diploma, HSE certificate, or college degree; and the date, time, and name of any staff person who entered any of the above information into SOMS. Office of Correctional Education staff shall scan a copy of the transcript, HSE certificate, or letter confirming the incarcerated person~~inmate~~ received a HSE certificate into ERMS. If Office of Correctional Education staff cannot verify the incarcerated person's~~inmate's~~ receipt of a high school diploma or HSE certificate, the incarcerated person~~inmate~~ shall be eligible to participate in a high school diploma or high school equivalency program, which shall allow them to earn MCC awards.

(c) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all incarcerated persons~~inmates~~ eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Milestone Completion Credit pursuant to this section. The award of Milestone Completion Credit shall advance an incarcerated person's~~inmate's~~ release date if sentenced to a determinate term subject to subdivision (c) of section 3043 or advance an incarcerated person's~~inmate's~~ initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Milestone Completion Credit shall be awarded in increments of not less than one week, but no more than twelve weeks in a twelve-month period. Milestone Completion Credit earned in excess of this limit shall be awarded to the incarcerated person~~inmate~~ on their next credit anniversary, defined as one year after the incarcerated person~~inmate~~ completes their first Milestone Completion Credit program, and each year thereafter. Upon release to parole, discharge including discharge to community supervision and discharge based on a court order, any excess credit under this section shall be deemed void. If instead an incarcerated person~~inmate~~ finishes serving one term and immediately begins serving a consecutive term, any excess credit awarded under this section shall be applied to that consecutive term. One week is equivalent to seven calendar days.

(d) A Milestone Completion Credit Schedule (REV. 10/22) is hereby incorporated by reference. The schedule identifies all of the approved Milestone Completion Credit programs, the corresponding credit reduction for successful completion of each program, and whether credit for repeating the program is authorized. The department may authorize a program be repeated for credit if there are significant rehabilitative benefits to be gained by those incarcerated persons~~inmates~~ who retake the program.

(e) Standard Performance Criteria. Standard performance criteria for the award of Milestone Completion Credit include the mastery or understanding of course curriculum by the incarcerated person~~inmate~~ as demonstrated by completion of assignments, instructor evaluations, and testing processes. Within ten business days of completion of an approved credit earning program under this section, the instructor shall verify completion of the program in the department's information technology system. Within ten additional business days, a designated system approver shall verify the incarcerated person's~~inmate's~~ eligibility for such credit.

(f) Modified Performance Criteria.

(1) In lieu of the standard performance criteria, incarcerated persons~~inmates~~ in an approved prison housing unit with structured, full-time rehabilitative programming, or in an approved alternative custody setting shall be awarded credit under this section in the following increments: three weeks of credit (the equivalent of 21 calendar days) for completion of every three months of program plan activities up to a maximum of twelve weeks of credit in a twelve-month period. Within ten business days of completing three months of program plan activities under this subsection a designated system approver shall be responsible for verifying and awarding credit to such participants.

Subsections 3043.3(f)(2) through 3043.3(f)(3)(B) remain unchanged.

(g) For purposes of placement in an alternative custody setting the department shall consider the Milestone Completion Credit that may be earned during the incarcerated person's~~inmate's~~ incarceration.

Subsection 3043.3(h) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 2933.05 and 3041, Penal Code.

Section 3043.3 is amended to read:

3043.4. Rehabilitative Achievement Credit.

(a) The award of Rehabilitative Achievement Credit requires verified attendance and satisfactory participation in approved group or individual activities which promote the educational, behavioral, or rehabilitative development of an incarcerated person~~inmate~~. To qualify for credit under this section, the purpose, expected benefit, program materials, and membership criteria of each proposed activity, as well as any affiliations with organizations or individuals outside of the department, must be pre-approved by the institution. The meeting frequency and location of each activity shall only be approved under safe and secure conditions. Incarcerated person~~Inmate~~ participation in such activities shall be consistent with ~~his or her~~ their custodial classification, work group assignment, privilege group, and other safety and security considerations.

(b) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all incarcerated persons~~inmates~~ eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Rehabilitative Achievement Credit pursuant to this section. The award of Rehabilitative Achievement Credit shall advance an incarcerated person's~~inmate's~~ release date if sentenced to a determinate term subject to subdivision (c) of section 3043 or advance an incarcerated person's~~inmate's~~ initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole.

Subsections 3043.4(c) through 3043.4(d) remain unchanged.

(1) The following Modified Award Increment took effect on August 1, 2017. Rehabilitative Achievement Credit shall be awarded to incarcerated persons~~inmates~~ placed in an alternative custody setting prior to parole, including a pre-parole or re-entry program, in the following increments: one week of credit for every three months of participation up to a maximum of four weeks of credit in a twelve-month period.

(2) The following Modified Award Increment shall commence on May 1, 2019 and supersede the Modified Award Increment in subsection (d)(1). Rehabilitative Achievement Credit shall be awarded to incarcerated persons~~inmates~~ placed in an alternative custody setting prior to parole,

including a pre-parole or re-entry program, in the following increments: 10 calendar days of credit for every three months of participation up to a maximum of 40 calendar days of credit in a twelve-month period.

(e) Award of Excess Credit.

(1) Rehabilitative Achievement Credit earned prior to May 1, 2019, in excess of the four-week limit identified in subsections (c)(1) and (d)(1) during a single year (which shall commence after the incarcerated person~~inmate~~ earns ~~his or her~~ their first week of such credit and each year thereafter) shall be awarded to the incarcerated person~~inmate~~ pursuant to subsection 3043.4(e)(2). Upon release to parole, release to community supervision, or discharge from parole, any excess credit under this section shall be deemed void. One week is equivalent to seven calendar days.

(2) Commencing May 1, 2019, Rehabilitative Achievement Credit earned in excess of 40 calendar days in a twelve-month period, as identified in subsections (c)(2) and (d)(2), shall be awarded to the incarcerated person~~inmate~~ on their next credit anniversary, defined as one year after the incarcerated person~~inmate~~ earns their first Rehabilitative Achievement Credit, and each year thereafter. Upon release to parole, discharge including discharge to community supervision and discharge based on a court order, any excess credit under this section shall be deemed void. If instead an incarcerated person~~inmate~~ finishes serving one term and immediately begins serving a consecutive term, any excess credit awarded under this section shall be applied to that consecutive term.

Subsection 3043.4(f) remains unchanged.

(g) Within ten business days of completing 52 hours of approved activity under this section, staff designated by the Warden at each institution shall verify the incarcerated person's~~inmate's~~ completion of the hours necessary for this credit, confirm the incarcerated person's~~inmate's~~ eligibility to receive this credit, and ensure the credit is awarded to the incarcerated person~~inmate~~ in the department's information technology system.

(h) For purposes of placement in an alternative custody setting the department shall consider the Rehabilitative Achievement Credit that may be earned during the incarcerated person's~~inmate's~~ incarceration.

Subsection 3043.4(i) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Section 3041, Penal Code.

Section 3043.5 is amended to read:

3043.5. Educational Merit Credit.

(a) The award of Educational Merit Credit requires the achievement of a significant academic accomplishment which will provide incarcerated persons~~inmates~~ with life-long rehabilitative benefits. Specifically, the achievement of an accredited high school diploma (or high school equivalency), a collegiate degree (at the associate, bachelor, or post-graduate level), or a professional certificate as an Alcohol and Drug Counselor shall entitle an incarcerated person~~inmate~~ to the benefits of this credit.

(b) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all incarcerated persons ~~inmates~~ eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Educational Merit Credit pursuant to this section. The award of Educational Merit Credit shall advance an incarcerated person's ~~inmate's~~ release date if sentenced to a determinate term subject to subdivision (c) of section 3043 or advance an incarcerated person's ~~inmate's~~ initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Educational Merit Credit shall be awarded in the increments set forth in the schedule below upon demonstrated completion of the corresponding diploma, certificate, or degree:

Subsection 3043.5(b)(1) remains unchanged.

(2) Category 2. ~~Offender~~ Occupational Mentor Certification Program (alcohol and other drug counselor certification recognized and approved by the California Department of Health Care Services): 180 calendar days.

Subsections 3043.5(b)(3) through 3043(b)(6) remain unchanged.

(c) Credit for each category listed in subsection (b) shall only be awarded once to an incarcerated person's ~~inmate's~~ release date or initial parole consideration hearing date, as described in subsection 3043(a), and once to an incarcerated person's ~~inmate's~~ Youth Parole Eligible Date as described in subsection 3043(f) and 3043.5(g), upon proof the diploma, certificate, or degree was conferred during the incarcerated person's ~~inmate's~~ current term of incarceration. Educational Merit Credit for achieving a high school diploma or high school equivalency shall not be awarded to incarcerated persons ~~inmates~~ already possessing a high school diploma, approved equivalent, or college degree prior to the date the incarcerated person ~~inmate~~ was received in prison for ~~his or her~~ their current period of incarceration. Educational Merit Credit shall not be awarded for an associate, bachelor, or post-graduate degree, unless the incarcerated person ~~inmate~~ earned at least 50 percent of the units necessary for that degree while serving ~~his or her~~ their current term, the degree was conferred by an educational institution accredited by an accrediting agency approved by the United States Department of Education, and the incarcerated person ~~inmate~~ arranged for an official, sealed copy of their transcript to be sent by the educational institution directly to the Principal at the incarcerated person's ~~inmate's~~ institution. Credit for such degrees shall be effective on the date the credit is entered into the department's information technology system. Commencing May 1, 2019, incarcerated persons ~~inmates~~ who earned a High School Diploma or High School Equivalency that was entered into the department's information technology system on or after August 1, 2017, through April 30, 2019, shall be awarded an additional 90 calendar days of credit.

(1) Office of Correctional Education staff shall conduct a review for any information located in the Strategic Offender Management System (SOMS) and the Electronic Records Management System (ERMS) indicating the incarcerated person ~~inmate~~ has received their high school diploma, High School Equivalency (HSE) certificate, or college degree conferred by an educational institution accredited by an accrediting agency approved by the United States Department of Education. This review shall also include review for any claims by the incarcerated person ~~inmate~~ that they have received a high school diploma, HSE certificate, or college degree.

(2) Office of Correctional Education staff shall verify the incarcerated person's ~~inmate's~~ receipt of a high school diploma or college degree by obtaining the official transcript from the school from which the incarcerated person ~~inmate~~ claims to have graduated. Office of Correctional Education staff shall verify the incarcerated person's ~~inmate's~~ receipt of a HSE certificate by obtaining the

incarcerated person's inmate's HSE certificate from any general educational development database or obtaining a letter from the high school from which the incarcerated person inmate took the HSE exam that confirms the incarcerated person inmate received a HSE certificate.

(3) Office of Correctional Education staff shall document their review and verification of an incarcerated person's inmate's educational history in the education section of SOMS. Documentation of the review and verification shall include: the date of the request for the release of the transcript, HSE certificate, or letter confirming the incarcerated person inmate received a HSE certificate; the name of the entity to which the request was submitted; the date that the transcript, HSE certificate, or letter confirming the incarcerated person inmate received a HSE certificate was received; whether the incarcerated person inmate earned their high school diploma, HSE certificate, or college degree; and the date, time, and name of any staff person who entered any of the above information into SOMS. Office of Correctional Education staff shall scan a copy of the transcript, HSE certificate, or letter confirming the incarcerated person inmate received a HSE certificate into ERMS. If Office of Correctional Education staff cannot verify the incarcerated person's inmate's receipt of a high school diploma or HSE certificate, the incarcerated person inmate shall be eligible to participate in a high school diploma or high school equivalency program, which shall allow them to earn Education Merit Credit awards.

(d) Within 30 calendar days of receiving documentation from an incarcerated person inmate indicating completion of an Educational Merit Credit, during the incarcerated person's inmate's current term of incarceration, department staff shall verify completion of the diploma, certificate, or degree in the department's information technology system.

(e) Upon release to parole, discharge including discharge to community supervision and discharge based on a court order, any excess credit under this section shall be deemed void. If instead an incarcerated person inmate finishes serving one term and immediately begins serving a consecutive term, any excess credit shall be applied to that consecutive term.

Subsection 3043.5(f) remains unchanged.

(g) Effective January 1, 2022, the award of Educational Merit Credit as set forth in this section shall also advance an incarcerated person's inmate's Youth Parole Eligible Date as described in Title 15, Division 2, subsection 2441(b), and Title 15, Division 3, subsection 3498.2(b), except when the incarcerated person inmate is a youth offender sentenced to life without the possibility of parole as described in Title 15, Division 2, subsection 2440(b), and Title 15, Division 3, subsection 3498.1(b).

(h) Notwithstanding subsection 3043.5(g), commencing January 1, 2022, Educational Merit Credit entered into the department's information technology system on or after August 1, 2017 shall be applied to advance an incarcerated person's inmate's Youth Parole Eligible Date pursuant to section 2441, subsections (b)(1)-(3) of Title 15, Division 2, and section 3498.2, subsections (b)(1)-(3) of Title 15, Division 3. Educational Merit Credit forfeitures do not affect the application of earned Educational Merit Credit in the Youth Parole Eligible Date calculation.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32 (b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 2053.1 and 3041, Penal Code.

Section 3043.6 is amended to read:

3043.6. Extraordinary Conduct Credit.

(a) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, the Director of the Division of Adult Institutions, under the direction of the Secretary, may award up to twelve months of Extraordinary Conduct Credit to any incarcerated person~~inmate~~ who has performed a heroic act in a life-threatening situation or who has provided exceptional assistance in maintaining the safety and security of a prison, in accordance with subsection 3376(d)(3)(C) or subsection 3376.1(d)(6). No credit shall be awarded to an incarcerated person~~inmate~~ sentenced to death or a term of life without the possibility of parole.

(b) The award of such credit shall advance the incarcerated person'~~inmate~~'s release date if sentenced to a determinate term subject to subdivision (c) of section 3043 or advance the incarcerated person'~~inmate~~'s initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole.

(c) Upon release to parole or discharge including discharge to community supervision and discharge based on a court order, any excess credit under this section shall be deemed void. If instead an incarcerated person~~inmate~~ finishes serving one term and immediately begins serving a consecutive term, any excess credit shall be applied to that consecutive term.

Subsection 3043.6(d) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 2935 and 3041, Penal Code.

Article 3.4. Inmate Incarcerated Person Work and Privileges

Section 3044 is amended to read:

3044. Inmate Incarcerated Person Work Groups and Privilege Groups.

Subsections 3044(a) through 3044(b) remain unchanged.

(1) Work Group A-1 (Full-Time Assignment). An inmate incarcerated person willing and able to perform an assignment on a full-time basis shall be assigned to Work Group A-1, except when the inmate incarcerated person qualifies for the assignment of Work Group F or Work Group M pursuant to sections 3044(b)(7) or 3044(b)(8). The work day shall not be less than 6 hours of work participation and the work week no less than 30 hours of work participation, as designated by assignment. Those programs requiring an inmate incarcerated person to participate during other than the normal schedule of eight-hours-per-day, five-days-per-week (e.g., 10-hours-per-day, four-days-per-week) or programs that are scheduled for seven-days-per-week, requiring inmate incarcerated person attendance in shifts (e.g., three days of 10 hours and one day of five hours) shall be designated as "special assignments" and require departmental approval prior to implementation. "Special assignment" shall be entered on the inmate's incarcerated person's timekeeping log by the staff supervisor.

(A) Any inmate incarcerated person assigned to a required Rehabilitative Program managed by DRP, as defined in section 3000, shall be assigned to Work Group A-1, except when the inmate incarcerated person qualifies for the assignment of Work Group M pursuant to section 3044(b)(8).

(B) Any inmate incarcerated person assigned to a combination of half-time work assignment and any Rehabilitative Program managed by DRP as described in section 3044(b)(1)(A), shall be assigned to Work Group A-1, except when the inmate incarcerated person qualifies for the assignment of Work Group M pursuant to section 3044(b)(8).

Subsection 3044(b)(1)(C) remains unchanged.

(D) Any inmate incarcerated person diagnosed by a physician or mental health clinician as totally disabled and therefore incapable of performing an assignment, shall remain assigned to Work Group A-1 throughout the duration of their total disability, unless the inmate incarcerated person is assigned to Work Group C, Work Group D-1, Work Group D-2, or Work Group M in accordance with sections 3044(b)(4), 3044(b)(5), 3044(b)(6), or 3044(b)(8).

(E) Any inmate incarcerated person diagnosed by a physician or mental health clinician as partially disabled shall be assigned to an assignment within the physical and mental capability of the inmate incarcerated person as determined by the physician or mental health clinician, unless changed by disciplinary action.

(2) Work Group A-2 (Involuntarily Unassigned). An inmate incarcerated person willing but unable to perform in an assignment shall be assigned to Work Group A-2, if the inmate incarcerated person does not qualify for assignment to Work Group M pursuant to section 3044(b)(8) and either of the following is true:

(A) The inmate incarcerated person is placed on a waiting list pending availability of an assignment.

(B) The unassigned inmate incarcerated person is awaiting adverse transfer to another institution.

(3) Work Group B (Half-Time Assignment). An inmate incarcerated person willing and able to perform an assignment on a half-time basis shall be assigned to Work Group B, except when the inmate incarcerated person qualifies for the assignment of Work Group M pursuant to section 3044(b)(8). Half-time programs shall normally consist of an assignment of four hours per workday, excluding meals, five-days-per-week, or full-time enrollment in college consisting of twelve units in credit courses leading to an associate's degree or bachelor's degree. The work day shall be no less than three hours and the work week no less than fifteen hours.

(4) Work Group C (Disciplinary Unassigned; Zero Credit).

(A) Any inmate incarcerated person who twice refuses to accept assigned housing, who refuses to accept or perform in an assignment, or who is deemed a program failure as defined in section 3000 by a classification committee shall be assigned to Work Group C for a period not to exceed the number of disciplinary credits forfeited due to the serious disciplinary infraction(s) or 180 days, whichever is less, except when the inmate incarcerated person qualifies for assignment to Work Group D-2 in accordance with subsection 3044(b)(6)(C).

(B) An inmate incarcerated person assigned to this work group shall not be awarded Good Conduct Credit, as described in section 3043.2, for a period not to exceed the number of disciplinary credits forfeited or 180 days, whichever is less, and shall revert to their previous work group upon completion of the credit forfeiture, unless the inmate incarcerated person no longer qualifies for assignment to Work Group F or Work Group M due to the totality of their case factors. In such exceptional circumstances, the inmate incarcerated person shall be assigned to another work group in accordance with this section. The inmate incarcerated person shall also be referred to a classification committee for placement on an appropriate waiting list.

(5) Work Group D-1 (Restricted Housing Status). An inmate incarcerated person assigned to a Restricted Housing Unit (RHU) or other restricted housing shall be assigned to Work Group D-1, unless the inmate incarcerated person qualifies for continued assignment to Work Group F or Work

Group M or initial assignment to Work Group M in accordance with sections 3044(b)(7)(D), 3044(b)(7)(E), 3044(b)(8)(E), or 3044(b)(8)(F); or the inmate incarcerated person meets the criteria for Work Group D-2 pursuant to 3044(b)(6).

(6) Work Group D-2 (Restricted Housing Status: Zero Credit).

(A) Unless the exceptional criteria specified in subsection 3044(b)(6)(B) are met, an inmate incarcerated person serving an imposed RHU term pursuant to subsection 3337(g) in restricted housing shall be assigned to Work Group D-2, effective the date of the Rules Violation Report, for a period not to exceed the number of whole-day credits forfeited for the rule violation or 180 days, whichever is less, up to the RHU Maximum Release Date or the date the Institution Classification Committee suspends the remainder of the RHU term. Following completion of the period of assignment to Work Group D-2 of credit forfeiture, the inmate incarcerated person shall be reevaluated by a classification committee for assignment to another work group.

(B) An inmate incarcerated person serving an imposed RHU term pursuant to subsection 3337(g) in restricted housing due to a guilty finding for a Division A-1 offense, as designated in subsection 3323(b), and which involved serious bodily injury on a non-incarcerated person prisoner, shall be assigned to Work Group D-2, effective the date of the Rules Violation Report, for a period not to exceed the number of whole-day credits forfeited for the rule violation or 360 days, whichever is less, up to the RHU Maximum Release Date or the date the Institution Classification Committee suspends the remainder of the RHU term. Following completion of the period of credit forfeiture, the inmate incarcerated person shall be re-evaluated by a classification committee for assignment to another work group.

(C) An inmate incarcerated person in RHU, or other restricted housing, who is deemed a program failure as defined in section 3000, may be assigned Work Group D-2 by a classification committee for a period not to exceed the number of credits forfeited for the rules violation(s) or 180 days, whichever is less. An inmate incarcerated person assigned to Work Group C at the time of placement in RHU, or other restricted housing, or who refuses to accept or perform work assignments, shall be assigned Work Group D-2. An inmate incarcerated person released from RHU, or other restricted housing, may be assigned Work Group C by a classification committee, not to exceed the remaining number of disciplinary credits forfeited due to the serious disciplinary infraction(s) or 180 days, whichever is less.

(D) If the administrative finding of misconduct is overturned or if the inmate incarcerated person is criminally prosecuted for the misconduct and is found not guilty, Good Conduct Credit shall be restored.

Subsection 3044(b)(7) remains unchanged.

(A) An inmate incarcerated person assigned to Minimum B Custody who has successfully completed the requisite physical fitness training and firefighting training to be assigned as a firefighter to a Department of Forestry and Fire Protection fire camp or as a firefighter at a Department of Corrections and Rehabilitation firehouse shall be assigned to Work Group F.

(B) An inmate incarcerated person assigned to Minimum B Custody who is placed in a Department of Forestry and Fire Protection fire camp for assignment to a non-firefighter position shall be assigned to Work Group F.

(C) An inmate incarcerated person placed in Work Group F who is found guilty of a serious rule violation as defined in subsections 3323(b), 3323(c), or 3323(d); found guilty of a rule violation

involving use or possession of any unauthorized communication device or of any narcotic, drug, drug paraphernalia, controlled substance, alcohol, or other intoxicant, as defined in subsections 3323(e), 3323(f), 3323(g), or 3323(h); placed in a zero credit Work Group C pursuant to subsection 3044(b)(4) or Work Group D2 pursuant to subsection 3044(b)(6); or otherwise removed from this assignment due to safety or security considerations, shall be assigned to another work group consistent with the remaining provisions of this section and shall be ineligible to receive Good Conduct Credit pursuant to subsections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A), 3043.2(b)(5)(B), 3043.2(b)(5)(C), or 3043.2(b)(5)(D). An inmate incarcerated person who has been removed from this assignment under the circumstances described above may be re-assigned to Work Group F, after an appropriate period of time, by a classification committee.

(D) An inmate incarcerated person assigned to Work Group F who is temporarily placed in RHU or other restricted housing; designated by the Institution Classification Committee as Non-Disciplinary Restricted Housing (NDRH) pursuant to subsection 3335(b); and who otherwise remains eligible for continued assignment to Work Group F pursuant to subsections 3044(b)(7)(A) or 3044(b)(7)(B), shall continue to be assigned Work Group F for the duration of their NDRH placement.

(E) An inmate incarcerated person initially assigned to Work Group D-1 by the Institution Classification Committee due to placement in RHU or other restricted housing pursuant to subsection 3044(b)(5) and who was not designated for (NDRH) by the Institution Classification Committee; otherwise eligible for the assignment to Work Group F pursuant to subsections 3044(b)(7)(A) or 3044(b)(7)(B) during the period of restricted housing; and was not found guilty of the serious rule violation which was the reason for RHU or other restricted housing placement shall be made whole by retroactive assignment to Work Group F beginning with the effective date that Work Group D-1 was originally imposed and for the same number of days that they were assigned to Work Group D-1.

(F) An inmate incarcerated person assigned to Work Group F pursuant to subsection 3044(b)(7) for a cumulative period of twelve months or more on their current term of incarceration shall continue to earn Good Conduct Credit pursuant to subsections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A), 3043.2(b)(5)(B), 3043.2(b)(5)(C), or 3043.2(b)(5)(D) upon transfer to an alternative custody setting as defined in subsection 3043(d).

(G) An inmate incarcerated person may be assigned Minimum B Custody and Work Group F, if the inmate incarcerated person meets the criteria noted above and all of the following are true:

1. The inmate incarcerated person is wanted for a felony by an out-of-state law enforcement agency (other than a Federal agency).
2. The agency does not have a detainer placed with the department for the felony.
3. The inmate's incarcerated person's central file documents that the agency communicated to the department that they will not extradite the inmate incarcerated person for the purpose of prosecution of the felony.
4. The totality of the inmate's incarcerated person's remaining case factors does not preclude the assignment of Minimum B Custody.

Subsection 3044 (b)(8) remains unchanged.

(A) Effective January 1, 2018, an inmate incarcerated person assigned to Minimum A Custody or Minimum B Custody who does not qualify for assignment to Work Group F pursuant to subsection 3044(b)(7) shall be assigned to Work Group M. Work Group M may be assigned retroactively to May 1, 2017. However, Good Conduct Credit awarded pursuant to subsections 3043.2(b)(5)(A) and 3043.2(b)(5)(B) shall be limited in accordance with subsection 3043(c).

(B) Effective January 1, 2018, an inmate incarcerated person otherwise eligible for assignment to Minimum A Custody or Minimum B Custody whose eligibility for such assignment is limited solely due to their 1) placement in the Mental Health Services Delivery System at the Enhanced Outpatient level of care or higher level and/ or 2) medical or mental health status which requires additional clinical and custodial supervision as determined by the classification committee, shall be assigned to Work Group M. Work Group M may be assigned retroactively to May 1, 2017. However, Good Conduct Credit awarded consistent with subsections 3043.2(b)(5)(A) and 3043.2(b)(5)(B) shall be limited in accordance with subsection 3043(c).

(C) Effective January 1, 2018, an inmate incarcerated person may be assigned Minimum A or Minimum B Custody and/ or Work Group M, which may be applied retroactively to May 1, 2017, if the inmate incarcerated person meets the criteria noted above and all of the following, are true:

1. The inmate incarcerated person is wanted for a felony by an out-of-state law enforcement agency (other than a Federal agency).
2. The agency does not have a detainer placed with the Department for the felony.
3. The inmate's incarcerated person's central file documents that the agency communicated to the Department that they will not extradite the inmate incarcerated person for the purpose of prosecution of the felony.
4. The totality of the inmate's incarcerated person's remaining case factors does not preclude the assignment of Minimum A and Minimum B Custody or the inmate incarcerated person is otherwise eligible for assignment to Minimum A or Minimum B Custody as described in section 3044(b)(8)(B).

(D) An inmate incarcerated person assigned to Work Group M who is found guilty of a serious rule violation as defined in subsections 3323(b), 3323(c), or 3323(d), found guilty of a rule violation involving use or possession of any unauthorized communication device or of any narcotic, drug, drug paraphernalia, controlled substance, alcohol, or other intoxicant, as defined in subsections 3323(e), 3323(f), 3323(g), or 3323(h), placed in zero credit Work Group C pursuant to subsection 3044(b)(4) or Work Group D2 pursuant to subsection 3044(b)(6), or otherwise removed from this assignment due to safety or security considerations, shall be reassigned to another work group consistent with the remaining provisions of this section and shall be ineligible to receive Good Conduct Credit pursuant to subsections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A), 3043.2(b)(5)(B), 3043.2(b)(5)(C), or 3043.2(b)(5)(D). An inmate incarcerated person who has been removed from this assignment under the circumstances described above may be assigned to Work Group M again, after an appropriate period of time, by a classification committee.

(E) An inmate incarcerated person eligible for initial assignment to Work Group M or who is assigned to Work Group M who is temporarily placed in RHU or other restricted housing; designated by the Institution Classification Committee as NDRH pursuant to subsection 3335(b); and who otherwise remains eligible for initial or continued assignment to Work Group M pursuant

to subsections 3044(b)(8)(A) or 3044(b)(8)(B), shall be assigned Work Group M for the duration of their NDRH.

(F) An inmate incarcerated person initially assigned to Work Group D-1 by the Institution Classification Committee due to placement in RHU or other restricted housing pursuant to subsection 3044(b)(5) and who was not designated for NDRH by the Institution Classification Committee; was otherwise eligible for the assignment to Work Group M pursuant to subsections 3044(b)(8)(A) or 3044(b)(8)(B) during the period of restricted housing; and was not found guilty of the serious rule violation which was the reason for RHU or other restricted housing placement shall be made whole by retroactive assignment to Work Group M beginning with the effective date that Work Group D-1 was originally imposed and for the same number of days they were assigned to Work Group D-1.

(G) Except when otherwise precluded by this section, an inmate incarcerated person who undergoes reception center processing with a permanent disability that impacts placement or who is receiving dialysis treatment; who, as determined by a classification committee, experienced an extended stay in the reception center beyond 60 days solely due to the disability; and qualifies for the assignment of Work Group M pursuant to this section, shall be assigned Work Group M effective the 61st day of the stay at the reception center. Work Group M may be assigned retroactively to May 1, 2017. However, Good Conduct Credit awarded consistent with subsections 3043.2(b)(5)(A) and 3043.2(b)(5)(B) shall be limited in accordance with subsection 3043(c).

(9) Work Group U (Unclassified). An inmate incarcerated person undergoing reception center processing shall be assigned to Work Group U from the date of their reception until classified at their assigned institution, except when the inmate incarcerated person is assigned Work Group M by a classification committee prior to the completion of reception center processing in accordance with section 3044(b)(8)(G).

(c) Privileges. Privileges for each work group shall be those privileges earned by the inmate incarcerated person. Inmate Incarcerated person privileges are administratively authorized activities and benefits required of the secretary, by statute, case law, governmental regulations, or executive orders. Inmate Incarcerated person privileges shall be governed by an inmate's incarcerated person's behavior, custody classification and assignment. A formal request or application for privileges is not required unless specified otherwise in this section. Institutions may provide additional incentives for each privilege group, subject to availability of resources and constraints imposed by security needs.

(1) To qualify for privileges generally granted by this section, an inmate incarcerated person shall comply with rules and procedures and participate in assigned activities.

(2) Privileges available to a work group may be denied, modified, or temporarily suspended by a hearing official at a disciplinary hearing upon a finding of an inmate's incarcerated person's guilt for a disciplinary offense as described in sections 3314 and 3315 of these regulations, by a classification committee action changing the inmate's incarcerated person's custody classification, work group, privilege group, or institution placement, or pursuant to subsection 3044(f)(1)(B).

(3) Disciplinary action denying, modifying, or suspending a privilege for which an inmate incarcerated person would otherwise be eligible shall be for a specified period not to exceed 30 days for an administrative rule violation or 90 days for a serious rule violation. Loss of privileges shall not preclude an inmate incarcerated person from possessing a network capable tablet for

CDCR approved and mandatory functional uses when there is no alternative to perform the function, including, but not limited to: approved educational programs, filing appeals and grievances, and scheduling medical appointments. If the disciplinary sanctions provide for a temporary suspension of services, the Hearing Officer or Senior Hearing Officer may suspend or restrict specific discretionary features for the time specified in the disposition of the rules violation report.

(4) A permanent change of an ~~inmate's~~ incarcerated person's privilege group shall be made only by classification committee action under provisions of section 3375. Disciplinary or classification committee action changing an ~~inmate's~~ incarcerated person's privileges or privilege group shall not automatically affect the ~~inmate's~~ incarcerated person's work group classification.

(5) No ~~inmate~~ incarcerated person or group of ~~inmates~~ incarcerated persons shall be granted privileges not equally available to other ~~inmates~~ incarcerated persons of the same custody classification and assignment who would otherwise be eligible for the same privileges, except as determined by Subsections 3376(d)(3)(E)1. through 3376(d)(3)(E)6.

(6) Changes in privilege group status due to the ~~inmate's~~ incarcerated person's placement in RHU:

(A) An ~~inmate~~ incarcerated person housed in RHU shall be designated Privilege Group D with the exception of:

1. ~~Inmates~~ Incarcerated persons designated as NDRH, who shall retain their privilege group prior to RHU placement;

2. ~~Inmates~~ Incarcerated persons who are assigned to the Debrief Processing Unit (DPU) in accordance with Section 3378.7; and

3. ~~Inmates~~ Incarcerated persons who are on Administrative RHU status in accordance with section 3044(i).

(7) An ~~inmate~~ incarcerated person in any Rehabilitative Program managed by DRP shall be eligible for available privileges subject to participating in assignment programs and shall not require a privilege group designation with the exception of sections 3044(f) or (g).

(8) An ~~inmate's~~ incarcerated person's privileges shall be conditioned upon each of the following:

(A) The ~~inmate's~~ incarcerated person's compliance with procedures governing those privileges.

(B) The ~~inmate's~~ incarcerated person's continued eligibility.

(C) The ~~inmate's~~ incarcerated person's good conduct and satisfactory participation in an assignment.

(9) ~~Inmates~~ Incarcerated persons returned to custody from parole may be eligible to receive privileges based upon their satisfactory participation in an assignment.

(10) When assigned to a RCGP facility, the ~~inmate's~~ incarcerated person's privileges shall be in accordance with section 3378.9.

(11) ~~Inmates~~ Incarcerated Persons may receive up to a maximum of four (4) packages per calendar year, (one (1) per quarter) in accordance with their assigned privilege group.

Subsections 3044(d) through 3044(d)(1)(A) remain unchanged.

(B) An inmate incarcerated person diagnosed by a physician or mental health clinician as totally disabled shall remain in Privilege Group A, unless changed by disciplinary action.

(C) An inmate incarcerated person designated by a physician or mental health clinician as partially disabled pursuant to section 3044(b)(1)(E) shall remain in Privilege Group A, unless changed by disciplinary action.

Subsections 3044(d)(2) through 3044(d)(2)(A) remain unchanged.

(B) Visits during non-work/training hours, limited only by availability of space within facility visiting hours, or during work hours when extraordinary circumstances exist as defined in section 3045.2(d)(2). NDRH inmates incarcerated persons in Privilege Group A are restricted to non-contact visits consistent with those afforded to other inmates incarcerated persons in RHU.

(C) Maximum monthly canteen draw as authorized by the secretary.

(D) Telephone access during the inmate's incarcerated person's non-work/training hours limited only by institution/facility telephone capabilities under normal operating conditions.

(E) Kiosk access during the inmate's incarcerated person's non-work or non-training hours are limited only by institution or vendor capabilities.

(F) Access to yard, recreation and entertainment activities during the inmate's incarcerated person's non-working/training hours and limited only by security needs.

(G) Excused time off as described in section 3045.2.

(H) The receipt of four inmate incarcerated person packages, 30 pounds maximum weight each, per year. Inmates Incarcerated persons may also receive special purchases, as provided in subsections 3190(j) and (k).

(I) Tablet access during the inmate's incarcerated person's non-work/training hours limited only by institution or vendor capabilities.

Subsections 3044(e) through 3044(e)(1)(A) remain unchanged.

(B) A hearing official may temporarily place an inmate incarcerated person into the group as a disposition pursuant to section 3314 or 3315.

Subsections 3044(e)(2) through 3044(e)(2)(A) remain unchanged.

(B) Visits during non-work/training hours, limited only by availability of space within facility visiting hours, or during work hours when extraordinary circumstances exist, as defined in section 3045.2(d)(2). NDRH inmates incarcerated persons in Privilege Group B are restricted to non-contact visits consistent with those afforded to other inmates incarcerated persons in RHU.

Subsection 3044(e)(2)(C) remains unchanged.

(D) Telephone access during the inmate's incarcerated person's non-work/training hours limited only by institution/facility telephone capabilities under normal operating conditions.

(E) Kiosk access during the inmate's incarcerated person's non-work/training hours limited only by institution or vendor capabilities.

(F) Access to yard, recreation, and entertainment activities during the inmate's incarcerated person's non-working/training hours and limited only by institution/facility security needs.

Subsection 3044(e)(2)(G) remains unchanged.

(H) The receipt of four inmate incarcerated person packages, 30 pounds maximum weight each, per year. Inmates Incarcerated persons may also receive special purchases, as provided in subsections 3190(j) and (k).

(I) Tablet access during the inmate's incarcerated person's non-work/training hours limited only by institution or vendor capabilities.

Subsections 3044(f) through 3044(f)(1) remain unchanged.

(A) The inmate incarcerated person who twice refuses to accept assigned housing, or who refuses to accept or perform in an assignment, or who is deemed a program failure as defined in section 3000.

(B) The inmate incarcerated person who commits a disciplinary offense for Indecent Exposure or two or more disciplinary offenses for Sexual Disorderly Conduct within a 12-month period from the initial disciplinary offense shall be temporarily placed in Privilege Group C prior to adjudication of the disciplinary offense for up to 90 days for each offense.

Subsection 3044(f)(1)(B)1. remains unchanged.

2. The authority to temporarily place the inmate incarcerated person in Privilege Group C prior to the adjudication of the disciplinary offense shall not be delegated to staff below the level of Correctional Lieutenant.

Subsections 3044(f)(1)(B)3. through 3044(f)(1)(B)4. remains unchanged.

5. If the inmate incarcerated person is found not guilty or the charges are dismissed, the inmate's incarcerated person's privilege group shall revert back to their prior assigned privilege group, effective the date of adjudication or dismissal.

(C) A hearing official may temporarily place an inmate incarcerated person into the group as a disposition pursuant to section 3314 or 3315.

(D) A classification committee action pursuant to section 3375 places the inmate incarcerated person into the group. An inmate incarcerated person placed into Privilege Group C by a classification committee action may apply to be removed from that privilege group no earlier than 30 days from the date of placement. Subsequent to the mandatory 30 days placement on Privilege Group C, if the inmate incarcerated person submits a written request for removal, a hearing shall be scheduled within 30 days of receipt of the written request to consider removal from Privilege Group C.

Subsections 3044(f)(2) through 3044(f)(2)(A) remain unchanged.

(B) Twenty-five percent (25%) of the maximum monthly canteen draw and items shall be limited to stationery, stationery supplies, personal hygiene, vitamins and medications as authorized by the Secretary. Inmates Incarcerated persons may maintain their current canteen items, which must be verified with a current receipt. Any subsequent canteen purchases while on Privilege Group C or program failure status shall be limited to stationery, stationery supplies, personal hygiene, vitamins and medications.

(C) One personal telephone access per week during the inmate's incarcerated person's non-work/training hours, limited only by institution or facility telephone capabilities under normal operating conditions.

Subsections 3044(f)(2)(D) through 3044(f)(2)(E) remain unchanged.

(F) No inmate incarcerated person packages. Inmates Incarcerated persons may receive special purchases, as provided in subsections 3190(j) and (k).

Subsection 3044(f)(2)(G) remains unchanged.

(H) Participation in self-help group(s).

(I) Inmates Incarcerated persons placed on Privilege Group C pursuant to a disciplinary action or classification committee action shall have disallowed property stored at the inmate's incarcerated person's institution, pending removal from Privilege Group C.

(J) Inmate Incarcerated person participants in the Mental Health Services Delivery System shall continue to participate in all scheduled structured therapeutic programming activities, which shall not be counted towards the ten hours of exercise per week.

(K) Inmates Incarcerated persons assigned to Privilege Group C who participate in the Mental Health Services Delivery System at the Enhanced Outpatient Program (EOP) level of care or higher, shall be referred to the Interdisciplinary Treatment Team (IDTT) via CDCR Form 128-MH5 (Rev. 05/14), Mental Health Referral Chrono, for program review. The IDTT may recommend certain privileges granted to the inmate incarcerated person on a case-by-case basis when it is determined suspension of privileges would cause decompensation or would be detrimental to the inmate's incarcerated person's mental health status.

Subsections 3044(f)(2)(L) through 3044(g) remain unchanged.

(1) Criteria: Any inmate incarcerated person, with the exception of inmates incarcerated persons placed on Administrative RHU status per section 3339 or designated NDRHS, housed in a restricted housing unit, under the provisions of sections 3335-3349 who is not assigned to either a full-time or half-time assignment.

(2) Any inmate incarcerated person removed from the general population due to disciplinary or administrative reasons, shall forfeit their privileges within their general population privilege group pending review by a classification committee.

Subsections 3044(g)(3) through 3044(g)(3)(B) remain unchanged.

(C) One personal telephone access per week during the inmate's incarcerated person's non-work/training hours, limited only by institution or facility telephone capabilities under normal operating conditions.

Subsections 3044(g)(3)(D) through 3044(g)(3)(E) remain unchanged.

(F) The receipt of one inmate incarcerated person package, 30 pounds maximum weight each, per year. Inmates Incarcerated persons shall be eligible to acquire an inmate incarcerated person package after completion of one year of Privilege Group D assignment. Inmates Incarcerated persons may also receive special purchases, as provided in subsections 3190(j) and (k).

Subsections 3044(g)(3)(G) through 3044(h) remain unchanged.

(1) Criteria: Reception center inmates incarcerated persons under processing.

Subsections 3044(h)(2) through 3044(h)(2)(B) remain unchanged.

(C) One personal telephone access per week during the inmate's incarcerated person's non-work/training hours, limited only by institution or facility telephone capabilities under normal operating conditions.

Subsections 3044(h)(2)(D) through 3044(h)(2)(F) remain unchanged.

(G) No inmate incarcerated person packages. Inmates Incarcerated persons may receive special purchases, as provided in subsections 3190(j) and (k).

Subsections 3044(i) through 3044(i)(3)(G) remain unchanged.

(H) Receipt of inmate incarcerated person packages, 30 pounds maximum weight each. Offenders may also receive special purchases, as provided in subsections 3190(j) and (k). ICC shall designate between one and four packages per year.

(I) Photographs every 90 days, if the inmate incarcerated person has met program expectations and has not been found guilty of serious disciplinary behavior in that time period. ICC shall designate between one and four photographs every 90 days.

(J) Electrical appliances are allowed in accordance with the Authorized Personal Property Schedule for RHU inmates incarcerated persons, as described in Section 3190(b)(4) or 3190(b)(5).

(4) The local Interdisciplinary Treatment Team may further restrict or allow additional authorized personal property, in accordance with the Institution's EOP RHU operational procedure, on a case-by-case basis above that allowed by the inmate's incarcerated person's assigned Privilege Group.

(j) Inmates Incarcerated persons housed in the Psychiatric Inpatient Program will be provided telephone access in accordance with the inmate's incarcerated person's assigned privilege group, limited only by institution or facility telephone capabilities and under normal operating conditions, unless restricted by the Interdisciplinary Treatment Team with clinical justification documented in the health record.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 2700, 2701 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224 (1988).

Section 3044.1 is amended to read:

3044.1. Special Assignments.

(a) Special assignments include:

(1) The positions of chairperson and secretary of an institution's inmate incarcerated person advisory council may qualify as a full-time assignment to Work Group A-1.

Subsections 3044.1(a)(2) through 3044.1(a)(3) remain unchanged.

(b) Short Term Medical or Psychiatric Inpatient Hospitalization (29 calendar days or less). Inmates Incarcerated persons determined by medical or mental health staff to need short-term inpatient care shall retain their existing credit earning category. Inmates Incarcerated persons requiring longer periods of inpatient care shall be referred by the attending physician or mental health clinician to a classification committee for review. The classification committee shall confirm the inmate's incarcerated person's unassigned inpatient category and change the inmate's incarcerated person's work or training group status as follows:

(1) A general population inmate incarcerated person shall be assigned to Work Group A-2, effective the thirtieth calendar day of unassignment, unless the inmate incarcerated person is assigned to Work Group C or Work Group M in accordance with sections 3044(b)(4) or 3044(b)(8).

(2) An inmate incarcerated person who is assigned to Work Group A-1, Work Group B, Work Group F, or Work Group M and placed in a Restricted Housing Unit (RHU) shall be assigned to Work Group D-1, effective the first day of placement into a RHU, unless the inmate incarcerated person is assigned to Work Group D-2, Work Group F, or Work Group M in accordance with sections 3044(b)(6), 3044(b)(7)(D), 3044(b)(7)(E), 3044(b)(8)(E), or 3044(b)(8)(F).

(3) Restricted housing inmates incarcerated persons assigned to Work Group D-1 or D-2 shall retain their work group status.

(c) Long-Term Medical or Psychiatric Unassigned Status. In cases where the health condition necessitates that the inmate incarcerated person becomes medically unassigned for 30 calendar days or more, the physician or mental health clinician shall specify an anticipated date the inmate incarcerated person may return to work. The classification committee shall review the inmate's incarcerated person's medical or psychiatric unassigned status and change the inmate's incarcerated person's work group status as follows:

(1) An inmate incarcerated person in the general population shall be re-assigned to Work Group A-2, involuntary unassigned, effective the thirtieth calendar day of un-assignment, unless the inmate incarcerated person is assigned to Work Group C or Work Group M in accordance with sections 3044(b)(4) or 3044(b)(8).

(2) An inmate incarcerated person who is assigned to Work Group A-1, Work Group B, Work Group F, or Work Group M and placed in a RHU shall be re-assigned to Work Group D-1, effective the first day of placement into a RHU, unless the inmate incarcerated person is assigned to Work Group D-2, Work Group F, or Work Group M in accordance with sections 3044(b)(6), 3044(b)(7)(D), 3044(b)(7)(E), 3044(b)(8)(E), or 3044(b)(8)(F).

(3) An inmate incarcerated person in a RHU housing who is assigned to Work Group D-1 or D-2 shall be retained in their respective work group.

Subsection 3044.1(d) remains unchanged.

(1) When an inmate incarcerated person has a disability that limits their ability to participate in a work, academic, Career Technical Education program or other such program, medical or mental health staff shall document the nature, severity, and expected duration of the inmate's incarcerated person's limitations on a CDC Form 128-C (Rev. 1/96), Medical, Psychiatric, Dental (Chrono). The medical or mental health staff shall not make program assignment recommendations or decisions on the form. The CDC Form 128-C shall then be forwarded to the inmate's incarcerated person's assigned correctional counselor who shall refer the inmate incarcerated person to a classification committee for review. The classification committee shall have sole responsibility for making program assignment and work group status decisions. Based on the information on the CDC Form 128-C and working in conjunction with staff from the affected work area, academic program, Career Technical Education program, and the Inmate Assignment Lieutenant, the classification committee shall evaluate the inmate's incarcerated person's ability to participate in work, academic, Career Technical Education program, or other programs and make a determination of the inmate's incarcerated person's program assignment and work group status.

(2) Only when the inmate's incarcerated person's documented limitations are such that the inmate incarcerated person, even with reasonable accommodation, is unable to perform the essential functions of any work, academic, Career Technical Education or other such program, will the inmate incarcerated person be placed in one of the two following categories by a classification committee:

(A) Temporary medical or psychiatric unassignment. Except as provided in section 3044.1(e)(2)(A), when a disabled inmate incarcerated person is unable to participate in any work, academic, Career Technical Education program or other program, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to last for less than six months, the classification committee shall place the inmate incarcerated person on temporary medical or psychiatric unassignment. An inmate incarcerated person on temporary medical or psychiatric unassignment status shall be scheduled for classification review any time there is a change in their physical or mental impairment, or no less than every six months for reevaluation. The work group status of an inmate incarcerated person on temporary medical or psychiatric unassignment for less than six months shall be in accordance with section 3044(b)(2), Work Group A-2, unless the inmate incarcerated person is assigned Work Group M in accordance with section 3044(b)(8). If the inmate's incarcerated person's condition lasts six months and the classification committee still cannot assign the inmate incarcerated person due to their impairment, the work group status shall be changed to be in accordance with subsection 3044(b)(1), Work Group A--1 and appropriate privilege group retroactive to the first day of the temporary medical or psychiatric unassignment, unless the inmate incarcerated person is assigned Work Group M in accordance with subsection 3044(b)(8).

(B) Medically disabled. When an inmate incarcerated person is unable to participate in any assigned work, academic, Career Technical Education program, or other such program activity, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to result in death or last six months or more, the classification committee shall place the inmate incarcerated person on medically disabled status. The inmate incarcerated person work group status shall be in accordance with section 3044(b)(1), Work Group A-1 and Privilege Group A, unless the inmate incarcerated person is assigned Work Group M in accordance with subsection 3044(b)(8).

Subsection 3044.1(e) remains unchanged.

(1) Light duty: Inmates Incarcerated persons determined to have long-term medical or psychiatric work limitations shall be processed in the following manner:

(A) A medical or mental health evaluation of the inmate incarcerated person shall be made to determine the extent of disability and to delineate capacity to perform work and training programs for either a full or partial workday. If the inmate incarcerated person is deemed capable of only a partial work program, full credit shall be awarded for participation in such a program.

(B) A classification committee shall review the evaluation and determine the inmate's incarcerated person's assignment.

1. A committee concurring with an evaluation's light duty recommendation shall refer the matter to the facility's assignment office which shall attempt to provide an assignment within the inmate's incarcerated person's capabilities. Inmates Incarcerated persons assigned to such light duty shall be scheduled for semi-annual review.

Subsection 3044.1(e)(1)(B)2. remains unchanged.

(2) Short-term medical or psychiatric lay-in or unassignment. ~~Inmates~~ Incarcerated persons who are ill or otherwise require a medical or psychiatric lay-in, or unassignment for 29 calendar days or less, shall be processed in the following manner:

Subsection 3044.1(e)(2)(A) remains unchanged.

(B) ~~Inmates~~ Incarcerated persons shall notify their work or training supervisor of their lay-in or unassignment status. The work or training supervisor shall record each day of the ~~inmate's~~ incarcerated person's approved absence as an "E".

(C) Medical or mental health staff determining an ~~inmate~~ incarcerated person should continue on lay-in or unassigned status for more than 29 calendar days shall refer the case to a classification committee for review.

(D) The ~~inmate~~ incarcerated person shall continue to use ETO time while on short-term medical or psychiatric lay-in or unassigned status.

(f) On-the-job injuries. The chief medical officer shall document ~~inmate~~ incarcerated person injuries occurring on the job. With the exception of ~~inmates~~ incarcerated persons assigned to Work Group F, such injured ~~inmates~~ incarcerated persons shall retain their existing work group status until medically approved to return to their work assignment. ~~Inmates~~ Incarcerated persons assigned to Work Group F shall revert to Work Group A-1 in accordance with section 3044(b)(1) or Work Group M in accordance with section 3044(b)(8) effective on the date the chief medical officer determines the on-the-job injury excludes the ~~inmate~~ incarcerated person from conservation camp placement or from placement as a firefighter at a California Department of Corrections and Rehabilitation firehouse, providing the chief medical officer's exclusion determination is within 29 calendar days following the date of the ~~inmate's~~ incarcerated person's removal from the conservation camp or firehouse firefighter assignment. If the chief medical officer's exclusion determination is not within 29 calendar days following the date of the ~~inmate's~~ incarcerated person's removal from the conservation camp or firehouse firefighter assignment, the ~~inmate~~ incarcerated person shall revert to Work Group A-1 in accordance with section 3044(b)(1) or Work Group M in accordance with section 3044(b)(8) effective the 30th calendar day following the date of the ~~inmate's~~ incarcerated person's removal from the conservation camp or firehouse firefighter assignment.

(g) Medical or psychiatric treatment categories "H", "I", and "N". An ~~inmate~~ incarcerated person assigned to category "H", "I", or "N" is not capable of performing a work or training assignment and shall, except where otherwise prohibited by law, be assigned to Work Group A-1, unless the ~~inmate~~ incarcerated person is assigned Work Group M in accordance with section 3044(b)(8).

(h) Department of State Hospitals Placements. An ~~inmate~~ incarcerated person transferred to the Department of State Hospitals pursuant to sections 1364, 2684, or 2690 of the Penal Code shall be assigned to a work group as provided in section 3043.8(b).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

Section 3044.2 is amended to read:

3044.2. Impact of Transfer on Work Groups.

Subsection 3044.2(a) remains unchanged.

(1) A non-adverse transfer is movement of an ~~inmate~~ incarcerated person to a less restrictive institution or program where the security level is the same or lower, movement to a secure perimeter from a non-secure camp or Level 1 (Minimum Support Facility) setting by order of the prison administration for non-adverse reasons or transfers from reception centers.

(2) With the exception of ~~inmates~~ incarcerated persons assigned to Work Group F, an ~~inmate~~ incarcerated person transferred for non-adverse reasons shall retain their work and privilege group status. ~~Inmates~~ Incarcerated persons assigned to Work Group F shall revert to Work Group M effective the date removed from camp or institution fire fighter assignment or as appropriate per CCR 3044.

(3) An ~~inmate~~ incarcerated person in a work assignment at the sending institution shall be placed on an existing waiting list at the receiving institution. If eligible, ~~inmates~~ incarcerated persons on waiting lists at sending institutions shall be merged into the receiving institution's waiting list based on credit earning status, release date, and the length of time they have spent on the sending institution's waiting list. ~~Inmates~~ Incarcerated persons who are day-for-day eligible per Penal Code section 2933 shall be given priority for assignment with the exception of Senate Bill (SB) 618 Participants who, as defined in section 3000, pursuant to the provisions of subsection 3077.3(b)(1), and subject to the provisions of 3077.3(f), shall be placed at the top of an institution's waiting list and given priority for assignment. ~~Inmates~~ Incarcerated persons shall be merged into the receiving institution's waiting list in the following manner:

Subsection 3044.2 (a)(3)(A) remains unchanged.

(B) Second, those ~~inmates~~ incarcerated persons who are day-for-day credit eligible, approved for the program and are not assigned, Work Group A-2. ~~Inmates~~ Incarcerated persons eligible to earn credits per Penal Code section 2933 shall be given second priority for placement on waiting lists and the ~~inmate~~ incarcerated person with the earliest release date shall be given priority.

(C) Third, ~~inmates~~ incarcerated persons who are day-for-day credit eligible and are already designated Work Group A-1. ~~Inmates~~ Incarcerated persons eligible to earn credits per Penal Code section 2933 shall be given next priority for placement on waiting lists and the ~~inmate~~ incarcerated person with the earliest release date shall be given priority.

(D) Fourth, those ~~inmates~~ incarcerated persons who are not Penal Code section 2933 day-for-day credit eligible and are already designated Work Group A-1. ~~Inmates~~ Incarcerated persons will be placed on waiting lists based upon the work group effective date.

(E) Fifth, those ~~inmates~~ incarcerated persons who are not Penal Code section 2933 day-for-day credit eligible and are not assigned, Work Group A-2. ~~Inmates~~ Incarcerated persons will be placed on waiting lists based upon the work group effective date.

(4) An ~~inmate~~ incarcerated person in approved Rehabilitative Programs managed by DRP, as defined in section 3000, at the sending institution shall be placed on the waiting list for the same or similar program, at the receiving institution if available. If the receiving institution's program is unavailable, the ~~inmate~~ incarcerated person shall be placed on an existing waiting list at the receiving institution.

Subsection 3044.2(a)(4)(A) remains unchanged.

1. Cognitive Behavioral Interventions shall include the inmate's incarcerated person's projected release date, a health care services referral to CBI; or a criminogenic need identified by an automated needs assessment tool as listed in sections 3375.6 and 3768.1.
2. The inmate's incarcerated person's projected release date and the California Static Risk Assessment (CSRA) as described in Section 3768.1 shall be the primary determinants for priority placement into Academic Education, Career Technical Education, and Transitions.
 - A. Inmates Incarcerated persons with a moderate or high risk shall take priority over those with a low risk for Career Technical Education programs.

Subsection 3044.2(b) remains unchanged.

- (1) Penal Code (PC) sections 2684 and 2690 transfers. An inmate incarcerated person transferred to the DMH pursuant to PC sections 2684 and 2690 is not capable of performing a work or training assignment. Such an inmate incarcerated person shall be classified by the sending facility before the transfer and placed in Work Group A-1.
- (2) Penal Code section 1364 transfers. An inmate incarcerated person transferred to DMH to participate in the voluntary experimental treatment program pursuant to Penal Code section 1364 shall participate in a full-time credit qualifying work/training assignment in order to earn full worktime credit.

Subsection 3044.2(c) remains unchanged.

- (1) Adverse transfers are defined as a transfer resulting from any in-custody documented misbehavior or disciplinary that may or may not have resulted in an inmate's incarcerated person's removal from current program.
- (2) If an inmate incarcerated person is removed from a program for adverse reasons and is subsequently exonerated of the charges, the work group shall be designated as though the inmate incarcerated person had not been removed from the assignment.
- (3) Effective on the date of transfer an inmate incarcerated person in Work Group A-1 or F who receives an adverse transfer shall be reclassified to Work Group A-2 by the sending institution. The inmate incarcerated person shall remain in Work Group A-2 until reclassified by the receiving institution.
- (4) An inmate incarcerated person in Work Group A-2, C or D at the time of transfer shall be retained in that group status until reclassified at the receiving institution.

Subsection 3044(d) remains unchanged.

- (1) Inmates Incarcerated persons being processed in reception centers, who are ineligible to earn day-for-day credits per Penal Code section 2933, can be assigned to half-time assignments. Inmates Incarcerated persons on layover (en route) status in any institution shall only be assigned to half-time assignments. Exception to this policy requires approval from the director, division of adult institutions.
- (2) An inmate's incarcerated person's participation in a full or half-time assignment while undergoing reception center processing shall be recorded on timekeeping logs. The inmate's

incarcerated person's timekeeping log shall be completed by the work supervisor on a daily basis. A copy shall be issued to the inmate incarcerated person upon written request.

Subsection 3044.2(e) remains unchanged.

(1) ~~Inmates~~ Incarcerated persons found guilty of a credit loss offense which could result in a security housing unit (SHU) determinate term shall be evaluated for SHU assignment by a classification committee.

(2) ~~Inmates~~ Incarcerated persons placed in a SHU, PSU, or in ASU shall be placed in Work Group D-2 upon determination by a Classification Committee. All other ~~inmates~~ incarcerated persons in SHU, PSU, or ASU shall be placed in Work Group D-1.

(f) Community Correctional Center (CCC) transfers. Transfers of ~~inmates~~ incarcerated persons approved for a CCC program are considered non-adverse. With the exception of ~~inmates~~ incarcerated persons assigned to Work Group F, ~~inmates~~ incarcerated persons shall retain their current work group status while en route to a program. ~~Inmates~~ Incarcerated persons assigned to Work Group F shall revert to Work Group A-1 effective the date removed from the camp or institution fire fighter assignment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8, 1364, 2684, 2690, 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

Article 3.5. Inmate Incarcerated Person Work Timekeeping

Section 3045 is amended to read:

3045. Timekeeping and Reporting.

(a) ~~Inmate~~ Incarcerated person timekeeping logs. The attendance and participation of each assigned ~~inmate~~ incarcerated person shall be recorded on an approved timekeeping log. If the assignment began or ended during the reporting month, the date(s) of such activity shall be recorded on the timekeeping log. Only the symbols designated on the timekeeping log shall be used to document the ~~inmate's~~ incarcerated person's attendance. The symbol(s) and applicable hours for each day shall be recorded in the space corresponding to the calendar day. This log shall be the reference for resolving grievances or appeals and shall be retained at a secure location designated by the facility management for a period of 4 years from the date of completion.

(1) Staff shall record the work or training time and absences of each ~~inmate~~ incarcerated person assigned to their supervision as they occur. At intervals designated by the institution head, the supervisor shall:

Subsections 3045(a)(1)(A) through 3045(a)(1)(C) remain unchanged.

(2) Mismanagement or falsification of an ~~inmate~~ incarcerated person timekeeping log may result in adverse action and/or prosecution.

(b) Security of timekeeping logs. ~~Inmates~~ Incarcerated persons shall not have unauthorized access to any timekeeping logs.

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224.

Section 3045.1 is amended to read:

3045.1. Timekeeping for ~~Inmates~~ Incarcerated Persons in Restricted Housing Units.

(a) A classification committee shall evaluate the reasons for an ~~inmate's~~ incarcerated person's Restricted Housing Unit (RHU) placement to ensure appropriate credits are awarded the ~~inmate~~ incarcerated person. If the placement was for:

(1) A disciplinary infraction for which the finding was not guilty or pending an investigation where the ~~inmate~~ incarcerated person was released, the ~~inmate~~ incarcerated person shall retain their work group status at the time of their placement in a RHU unless otherwise impacted by a classification or disciplinary action.

(2) A disciplinary infraction for misconduct for which the finding was guilty, and a RHU term was assessed, the ~~inmate~~ incarcerated person shall remain in Work Group D-2 in accordance with subsections 3044(b)(6)(A)-(B).

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal. App. 3d 1224.

Section 3045.2 is amended to read:

3045.2. Excused Time Off (ETO).

(a) It is the policy of the California Department of Corrections and Rehabilitation that ~~inmates~~ incarcerated persons assigned to work groups A-1 and B may use excused time off (ETO) during approved absences from their assignment in the manner set forth in this article.

(b) ETO shall be authorized by the work supervisor/employer in no less than 15-minute increments. The ~~inmate~~ incarcerated person shall not be required to use excused time off for any service that the department requires. An ~~inmate~~ incarcerated person who is ill and requires a medical lay-in or is short term medically unassigned for 29 days or less shall use ETO.

(c) ~~Inmates~~ Incarcerated persons who are ill may use ETO, but will be responsible for notifying the work/training supervisor. Sick time must be approved/authorized by the appropriate institution medical authority. Upon becoming capable of performing medically unrestricted work activities the ~~inmate~~ incarcerated person will be given priority to resume ~~his/her~~ their previous assignment. If the assignment is not immediately available, the ~~inmate~~ incarcerated person will be placed in an assignment in ~~his/her~~ their previous work group category.

Subsection 3045.2(d) remains unchanged.

(1) Family visiting. An ~~inmate~~ incarcerated person scheduled for a family visit may be permitted to visit in the visiting room (regular visit) on the first day of a family visit while awaiting processing, and on the last day of the family visit.

Subsection 3045.2(d)(2) remains unchanged.

(A) Out-of-state visitors. Upon substantiation that the visitor(s) resides out-of-state and is in California for a temporary stay of 30 days or less, and the visitor(s) has not visited with the particular ~~inmate~~ incarcerated person for four months. No more than two such visits shall be permitted for each such occurrence.

(B) Excessive distance. When a visitor must travel a distance of 250 miles or more, and has not visited the ~~inmate~~ incarcerated person within the last 30 days.

(C) Weddings. When an ~~inmate~~ incarcerated person marries, the ~~inmate~~ incarcerated person may, with five working days prior approval, use ETO for a visit on the wedding day.

Subsection 3045.2(d)(2)(D) remains unchanged.

(E) Family emergencies. When death, serious illness or injury occurs to an ~~inmate's~~ incarcerated person's immediate family member as defined in Section 3000, clergymen, family members or close friends may visit the ~~inmate~~ incarcerated person to offer condolences or inform the ~~inmate~~ incarcerated person of the occurrence.

Subsection 3045.2(d)(2)(F) remains unchanged.

(G) Visiting during authorized absence. An ~~inmate~~ incarcerated person shall be permitted to visit using ETO during approved periods away from assignment involving circumstances beyond the ~~inmate's~~ incarcerated person's control. (Refer to section 3045.3 of these regulations.)

(H) Work assignment conflicts. When the ~~inmate~~ incarcerated person has not received a visit in the last 30 days and would otherwise be prohibited from visiting because of a conflict in work, training, or education assignment.

Subsections 3045.2(d)(3) through 3045.2(e) remain unchanged.

(f) An ~~inmate~~ incarcerated person shall receive pay only for actual hours worked, and not for excused time off.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 2620, 2621, 2931, 2933 and 5054, Penal Code.

Section 3045.3 is amended to read:

3045.3. "S" Time.

(a) "S" time shall be noted on timekeeping documents for an authorized absence from the ~~inmate's~~ incarcerated person's assignment by order of the prison administration. The ~~inmate~~ incarcerated person shall receive sentence-reducing credit commensurate with their designated work group. ~~Inmates~~ Incarcerated persons who are removed from their assignment for the reasons noted below, shall retain their existing work group status unless otherwise impacted by a classification committee or disciplinary action.

Subsections 3045.3(b) through 3045.3(b)(7) remain unchanged.

(8) Ten working days prior to parole or discharge, including institution base camps. Conservation camp ~~inmates~~ incarcerated persons shall receive 15 days "S" time prior to release.

(9) Thirty working days prior to parole or discharge of an ~~inmate~~ incarcerated person serving a term in another jurisdiction.

(10) Appearances at classification hearings or casework interviews which cannot be reasonably conducted during the ~~inmate's~~ incarcerated person's off-duty hours.

(11) Staff interviews with ~~inmates~~ incarcerated persons regarding a death or emergency involving a member of their immediate family as defined in section 3000.

Subsection 3045.3(b)(12) remains unchanged.

(13) A temporary interruption or delay in the ~~inmate's~~ inmate's incarcerated person's assignment which is no fault of the ~~inmate~~ inmate incarcerated person.

Subsection 3045.3(b)(14) remains unchanged.

(15) ~~Inmate~~ Incarcerated person match job development and initial screening interview.

Subsections 3045.3(b)(16) through 3045.3(b)(22) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 673, 1170, 2690, 2933, 2933.05, 2933.6 and 5054, Penal Code.

Article 3.6. ~~Inmate~~ Incarcerated Person Work Benefits

Section 3046 is amended to read:

3046. Workers' Compensation for ~~Inmates~~ Incarcerated Persons.

~~Inmates~~ Incarcerated persons are eligible for workers' compensation benefits for injuries sustained while performing assigned work while imprisoned. They are not eligible for benefits for injuries resulting from an assault in which the ~~inmate~~ inmate incarcerated person was found to be the aggressor; an intentional act of self-inflicted injury; nor injuries sustained while assigned to academic and Career Technical Education programs. The department is not liable for injuries sustained while a person is on parole or escape status.

(a) ~~Inmates~~ Incarcerated persons should immediately report any injury to their supervisor so that prompt medical attention can be given if needed, and for the supervisor's information and initiation of necessary reports.

(b) ~~Inmates~~ Incarcerated persons will have access to, and be given a copy upon request, of the department's guidelines covering workers' compensation for ~~inmates~~ inmate incarcerated persons. Such guidelines will be available at each institution's ~~inmate~~ inmate incarcerated person assignment office or the office of the official responsible for ~~inmate~~ inmate incarcerated person assignments; the ~~inmate~~ inmate incarcerated person law libraries; each camp; and at or near the ~~inmate's~~ inmate's incarcerated person's work location through the ~~inmate's~~ inmate's incarcerated person's work supervisor.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(i), 5054 and 5069, Penal Code; and Sections 3370 and 3351, Labor Code.

Article 4. Food Services

Section 3050 is amended to read:

3050. Regular Meals.

(a) Each ~~inmate~~ inmate incarcerated person shall be provided a wholesome, nutritionally balanced diet. Nutrition levels shall meet the Recommended Dietary Allowances and Dietary Reference Intakes as established by the Food and Nutrition Board of the Institute of Medicine, National Academy of Science.

(1) ~~Inmates~~ Incarcerated persons confined in segregated housing shall be served food representative of that being served to general population ~~inmates~~ inmate incarcerated persons. Food shall not be withheld nor standard menu varied as a disciplinary sanction for any ~~inmate~~ inmate incarcerated person.

(2) ~~Inmates~~ Incarcerated persons shall be provided three meals each day, two of which shall be served hot. Variations to the two hot meals per day requirement may be allowed to accommodate religious observances, religious meal programs, and institution emergencies. The breakfast meal shall be served not more than 14 hours following the previous day's evening meal.

(3) Pregnant ~~inmates~~ incarcerated persons shall receive two extra eight ounce cartons of milk or a calcium supplement if lactose intolerant, two extra servings of fresh fruit, and two extra servings of fresh vegetables daily. A physician may order additional nutrients as necessary.

(b) Facility menus shall be prepared at least one week in advance and posted in locations accessible to all general population ~~inmates~~ incarcerated persons. ~~Inmates~~ Incarcerated persons in segregation housing shall, upon request, be provided a weekly menu.

NOTE: Authority cited; Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code.

Section 3051 is amended to read:

3051. Use of Pork or Pork Derivatives.

Subsection 3051(a) remains unchanged.

(b) Each menu food item containing pork or prepared in or seasoned with a pork derivative (including use of a shortening containing a pork product) shall be identified on the menu with a "P". Unless it can be determined with certainty that a food item does not contain pork or a pork derivative, that item shall be identified with an asterisk (*). A pork-free protein alternate shall be offered to those ~~inmates~~ incarcerated persons who do not eat pork because of religious reasons.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code.

Section 3052 is amended to read:

3052. Health and Safety Standards.

Subsections 3052(a) through 3052(f) remain unchanged.

(g) No ~~inmate~~ incarcerated person shall be assigned to the food service area until medically cleared to handle food.

(h) An ~~inmate~~ incarcerated person food handler with any condition which may contaminate food shall be referred to the medical department for examination and shall not return to work in the food service area until medically cleared.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 113945 through 114259.4, Health and Safety Code.

Section 3053 is amended to read:

3053. Food for Religious Events.

(a) ~~Inmate~~ Incarcerated person religious groups shall not be permitted more than two events each year where foods with religious significance are provided by the institution in place of the regularly planned meal. These event meals must be approved and sponsored by a Chaplain. For the purposes of this article, Chaplain means a local Institution Chaplain, or their designee representing the religious group.

Subsections 3053(b) through 3053(b)(2) remain unchanged.

(3) Number of ~~inmates~~ incarcerated persons and/or guests to be served.

Subsection 3053(b)(4) remains unchanged.

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

Section 3054 is amended to read:

3054. Religious Personal Ethical Diet Program.

(a) Each institution shall make reasonable efforts, as required by law, to accommodate those ~~inmates~~ incarcerated persons who have been determined, pursuant to CCR, Title 15, section 3054.3 or 3054.6 to require a Religious Personal Ethical Diet (RPED) program meal.

(b) Each institution shall provide religious awareness and food handling training for all staff and ~~inmates~~ incarcerated persons involved in supervising, ordering, preparing, and serving RPED program meals.

Subsection 3054(c) remains unchanged.

(d) RPED meals shall not be restricted from ~~inmates~~ incarcerated persons based on their classification or housing placement. ~~Inmates~~ Incarcerated persons who are transferred to other CDCR institutions shall have the ability to continue participating in their current RPED program at the receiving institution, barring medical needs.

(e) ~~Inmates~~ Incarcerated persons assigned to CDCR conservation camps, or temporarily transferred, e.g., out to court or outside medical facilities, shall have their RPED meals suspended. ~~Inmates~~ Incarcerated persons returning from CDCR conservation camps or temporary transfer shall be reinstated to the approved RPED program at the receiving institution, barring medical needs.

Subsections 3054(f) through 3054(f)(4) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 2084, 5009 and 5054, Penal Code. *In re Garcia* (2012) 202 Cal.App.4th 892.

Section 3054.1 is amended to read:

3054.1. Vegetarian Diet Program.

(a) Vegetarian meals shall be available at all institutions upon request for ~~inmates~~ incarcerated persons with any religious, personal, or ethical dietary need.

(b) ~~Inmates~~ Incarcerated persons may request participation in the Vegetarian Diet Program in accordance with Title 15, section 3054.3.

(c) Participating ~~inmates~~ incarcerated persons shall be provided with an approved vegetarian protein alternative(s). Vegetarian meals contain plant-based foods and may include dairy, eggs, and seafood. On days seafood will be served as the vegetarian alternative, a non-seafood alternative will be offered.

Subsection 3054.1(d) remains unchanged.

NOTE: Authority cited: Sections 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code.

Section 3054.2 is amended to read:

3054.2. Plant-based Diet Program.

- (a) Plant-based (PB) meals shall be available upon request at all institutions on an overall cost-neutral basis for ~~inmates~~ incarcerated persons with any religious, personal, or ethical dietary need.
- (b) ~~Inmates~~ Incarcerated persons may request participation in the PB diet program in accordance with Title 15, section 3054.3.
- (c) Participating ~~inmates~~ incarcerated persons shall be provided with an approved PB protein alternative(s). PB meals contain no meat, poultry, dairy, eggs, or animal products or byproducts.

Subsection 3054.2(d) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2084, 5009 and 5054, Penal Code.

Section 3054.3 is amended to read:

3054.3. Participation in a Vegetarian or Plant-based Diet Program.

- (a) ~~Inmates~~ Incarcerated persons may request participation in the Vegetarian or Plant-based (PB) Diet Program by submitting to any Chaplain or Religious Review Committee (RRC) designee a CDCR Form 3030-V (~~04/2107/24~~), Vegetarian and Plant-based Diet Request and Agreement, which is incorporated by reference.
- (b) A determination to approve or disapprove the request shall be made within 30 days of receipt of the submitted CDCR Form 3030-V. Once a decision is made, the CDCR Form 3030-V shall be forwarded within three business days to the Community Resources Manager. The ~~inmate~~ incarcerated person shall be notified within seven business days of the decision and given a copy of their completed CDCR Form 3030-V. ~~Inmates~~ Incarcerated persons shall begin receiving their vegetarian or PB meals within 15 calendar days upon approval.
- (c) The CDCR Form 3030-V shall be approved by any Chaplain or RRC designee, with the exception of ~~inmates~~ incarcerated persons who have withdrawn or been removed from a Religious Personal Ethical Diet program during the previous six months.
- (d) ~~Inmates~~ Incarcerated persons approved for the RPED shall be provided with a CDCR Form 3030-B (Rev. ~~04/2107/24~~), RPED Card, which is incorporated by reference, or the ~~inmate's~~ incarcerated person's identification card shall be affixed with the institution designated marking for their approved diet. RPED cards that are no longer valid shall be collected.
- (e) ~~Inmate~~ Incarcerated person participants shall show their CDCR Form 3030-B RPED Card or ~~inmate~~ incarcerated person identification card with designated marking when receiving their approved vegetarian or PB meal.
- (f) ~~Inmates~~ Incarcerated persons participating in the vegetarian or PB Diet Program shall comply with all conditions listed on the CDCR Form 3030-V.
- (g) The RRC shall determine ~~inmate~~ incarcerated person vegetarian or PB diet compliance violations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2084, 5009 and 5054, Penal Code.

Section 3054.4 is amended to read:

3054.4. Religious Meat Alternate Program.

(a) A Religious Meat Alternate (RMA) Program shall be available at all institutions for ~~inmates~~ incarcerated persons with a religious dietary need that cannot be met by another RPED option or by the mainline diet.

(b) ~~Inmates~~ Incarcerated persons may request participation in the RMA Diet Program in accordance with Title 15, section 3054.6.

(c) Participating ~~inmates~~ incarcerated persons shall be provided a halal-certified meat to be substituted at the dinner meal when meat is served.

Subsection 3054.4(d) remains unchanged.

(e) A Chaplain designated by the RRC shall annually review each institution's processes for procuring, storing, and distributing RMA program meals and shall provide a completed CDCR Form 3058 (Rev. ~~04/21~~04/2107/24), Religious Meat Alternate (RMA) Food Distribution Annual Review, which is incorporated by reference, for review by the Correctional Food Manager.

NOTE: Authority cited: Sections 5058, Penal Code. Reference: Sections 383b, 383c, 5009 and 5054, Penal Code; and *In re Garcia* (2012) 202 Cal.App.4th 892.

Section 3054.5 is amended to read:

3054.5. Religious Kosher Diet Program.

(a) Religious kosher (RK) meals shall be available at designated institutions for ~~inmates~~ incarcerated persons with a religious dietary need that cannot be met by another RPED option or by the mainline diet.

(b) ~~Inmates~~ Incarcerated persons may request participation in the RK Diet Program in accordance with Title 15, section 3054.6.

(c) Participating ~~inmates~~ incarcerated persons shall be provided a diet of kosher-certified items, as approved by the Departmental Food Administrator.

Subsections 3054.5(d) through 3054.5(e) remain unchanged.

(f) A Chaplain designated by the RRC shall annually review each institution's processes for the procuring, storing, and distributing RK meals, and shall provide a completed CDCR Form 3057 (Rev. 04/21), Religious Kosher Food Distribution Annual Review, which is incorporated by reference, for review by the Correctional Food Manager (CFM).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383, 5009 and 5054, Penal Code; and *In re Garcia* (2012) 202 Cal.App.4th 892.

Section 3054.6 is amended to read:

3054.6. Participation in a Religious Meat Alternate or Religious Kosher Diet Program.

(a) Any ~~inmate~~ incarcerated person who claims to require a religious diet consisting of either the Religious Meat Alternate or Religious Kosher Diet Programs shall be responsible for completing and signing a CDCR Form 3030-R (~~04/21~~04/2107/24), Religious Meat Alternative or Religious Kosher Diet Request, which is incorporated by reference, and submitting it to any Chaplain, or an RRC designee.

Subsection 3054.6(b) remains unchanged.

(1) Interview the ~~inmate~~ inmate incarcerated person requesting the religious diet program by utilizing CDCR Form 3030-E (Rev. 04/2107/24), Religious Meat Alternate or Religious Kosher Program Interview, which is incorporated by reference. The Community Resources Manager (CRM) may interview an ~~inmate~~ inmate incarcerated person when a Chaplain is not available.

(2) Determine the ~~inmate's~~ inmate incarcerated person's religious diet eligibility for placement into the appropriate RPED program. The Chaplain may approve the request or refer it to the RRC for determination.

(3) If the ~~inmate~~ inmate incarcerated person is approved for the RPED, review with the ~~inmate~~ inmate incarcerated person CDCR Form 3030-A (Rev. 04/2107/24), Religious Meat Alternate or Religious Kosher Diet Agreement, which is incorporated by reference. The ~~inmate~~ inmate incarcerated person shall initial each provision of the CDCR Form 3030-A, sign and date the form.

(4) Approve the request or refer the request to the RRC within 30 days of receipt of the submitted CDCR Form 3030-R. Once a decision is made, forward the completed CDCR Form 3030-R and CDCR Form 3030-A within three business days to the CRM. The ~~inmate~~ inmate incarcerated person shall be notified within seven business days of the decision and given a copy of their completed CDCR Form 3030-R, Religious Meat Alternative or Religious Kosher Diet Request. ~~Inmates~~ Incarcerated persons shall begin receiving RMA or RK meals within 15 calendar days upon approval.

(5) Provide each approved ~~inmate~~ inmate incarcerated person with a CDCR Form 3030-B, (Rev. 04/21) RPED Card, which is incorporated by reference, or affix the ~~inmate's~~ inmate incarcerated person's identification card with the institution designated marking for their approved diet. Collect Religious Diet Cards that are no longer valid.

(c) ~~Inmate~~ Incarcerated person participants shall show their CDCR Form 3030-B RPED Card or ~~inmate~~ inmate incarcerated person identification card with institution designated marking when receiving their approved religious diet.

(d) Only the RRC may deny the CDCR Form 3030-R, Religious Meat Alternative or Religious Kosher Diet Request. If the RRC determines that an ~~inmate~~ inmate incarcerated person is ineligible for the diet requested, the ~~inmate~~ inmate incarcerated person may reapply for the same diet six months from the date of the denial or may apply for a different diet immediately.

(e) ~~Inmates~~ Incarcerated persons whose request for participation in the RPED program have been denied by the RRC may grieve the decision in accordance with Title 15, sections and 3482.

(f) ~~Inmates~~ Incarcerated persons participating in a RMA or RK diet program shall comply with all conditions listed on their signed CDCR Form 3030-A, Religious Meat Alternate or Religious Kosher Diet Program Agreement. ~~Inmates~~ Incarcerated persons who refuse to sign the CDCR Form 3030-A shall not be approved for participation in the RPED.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code; and *In re Garcia* (2012) 202 Cal.App.4th 892.

Section 3054.7 is amended to read:

3054.7. ~~Inmate~~ Incarcerated Meal Tracking System.

(a) All ~~inmate~~ incarcerated person Religious Personal Ethical Diet (RPED) participation approval status and history and canteen purchases shall be recorded in the ~~Inmate~~Incarcerated Meal Tracking System (IMTS) located on the CDCR intranet.

Subsection 3054.7(a)(1) remains unchanged.

(2) The Correctional Food Manager or designee shall ensure that all ~~inmate~~ incarcerated person RPED participants are served their dietary meals.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code.

Section 3054.8 is amended to read:

3054.8. Withdrawing or Requesting Religious Personal Ethical Diet Program Changes.

(a) An ~~inmate~~ incarcerated person may request to withdraw from the Religious Personal Ethical Diet (RPED) Program by signing the CDCR Form 3030-D (Rev. ~~04/21~~07/24), Religious Personal Ethical Diet Cancellation Request, which is incorporated by reference. The ~~inmate~~ incarcerated person shall submit the completed CDCR Form 3030-D to any Chaplain, Community Resource Manager, or Religious Review Committee designee.

(b) An ~~inmate~~ incarcerated person currently participating in an RPED may request to change to a different RPED program by submitting the applicable CDCR Forms 3030-V or 3030-R. The request shall be subject to the same application process as a new RPED diet request. No more than one RPED diet change within six months shall be permitted.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code.

Section 3054.9 is amended to read:

3054.9. Monitoring for Religious Personal Ethical Diet Program ~~Inmate~~ Incarcerated Person Compliance.

Subsections 3054.9(a) through 3054.9(a)(1) remain unchanged.

(2) A first notice of violation of the RPED Program Agreement shall be documented using a CDC Form 128-B, General Chrono. The CDC Form 128-B, General Chrono, shall be dated the day the ~~inmate~~ incarcerated person was notified of the violation.

(3) A second notice of violation within six months of the first notice of violation shall subject the ~~inmate~~ incarcerated person to removal from the RPED program.

(4) ~~Inmates~~ Incarcerated persons who are issued a CDC Form 128-B first or second violation may grieve the CDC Form 128-B in accordance with Title 15, sections 3481 and 3482.

(5) ~~Inmates~~ Incarcerated persons who voluntarily withdraw from the RPED Program shall not be issued a violation notice dated on or after the date of their withdrawal from the program.

(b) ~~Inmate~~ Incarcerated person participants in the Religious Meat Alternate (RMA) and Religious Kosher (RK) diet programs are subject to audit for all terms and conditions listed on CDCR Form 3030-A. The RRC designee shall prepare the audit packet and forward to any Chaplain, who shall,

within 30 calendar days, consult with the inmate incarcerated person, giving the inmate incarcerated person the opportunity to respond to the allegation(s) of RPED agreement compliance violations, and return the completed audit packet to Community Resources Manager for signature and distribution to C-File, Inmate Incarcerated Person, RRC and CRM.

(1) Inmates Incarcerated persons shall not be automatically issued a violation notice based solely on the fact that they were flagged during the RPED Audit.

(2) The Chaplains shall make the final determination as to whether or not the inmate incarcerated person shall receive a CDC Form 128-B for violating the CDCR Form 3030-A, Religious Meat Alternate or Religious Kosher Agreement.

(3) The Chaplain shall complete the CDC Form 128-B with the date of interview and shall sign as the interviewer, not as the issuer. The Chaplain shall document on the CDC Form 128-B if the inmate incarcerated person refuses to be interviewed.

(c) Inmate Incarcerated person participants in the Vegetarian and Plant-Based diet programs are subject to all terms and conditions listed on CDCR Form 3030-V. Any alleged compliance violation may be initiated by any staff using CDC Form 128-B, General Chrono, citing Title 15, section 3054. The issuer of the CDC Form 128-B or a representative of the RRC shall consult with the inmate incarcerated person, giving the inmate incarcerated person the opportunity to respond to the allegation(s) of RPED agreement compliance violations. The CDC Form 128-B shall be distributed to C-File, Incarcerated Person Inmate, Issuer, RRC and CRM. The RRC shall document the CDC Form 128-B in the IMTS.

(d) The RRC shall make the final determination of continuing eligibility and complete a CDCR Form 3030-C (Rev. ~~04/21~~07/24), Religious Personal Ethical Diet Program Agreement--Notice of Non-Compliance, which is incorporated by reference. A copy of the completed CDC Form 128-B with attachments and CDCR Form 3030-C shall be scanned into Electronic Records Management Systems and a copy provided to the inmate incarcerated person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code.

1. Renumbering of former section 3054.5 to new section 3054.9, including amendment of section heading and section, filed 10-25-2022; operative 1-1-2023 (Register 2022, No. 43).

Section 3055 is amended to read:

3055. Use of Food.

Inmates Incarcerated persons shall not steal, waste, or contaminate food or equipment used in preparing, processing or serving food. Inmates Incarcerated persons shall not remove any food from the dining room, kitchen, or food storage areas except as specifically authorized by facility staff.

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

Section 3056 is amended to read:

3056. Meals Served to Non-~~Inmates~~ Incarcerated Persons.

Guests at an inmate incarcerated person banquet, luncheon or other special event shall be charged for state-purchased food. If funds collected from guests for a meal are not the same as the allowed

cost per meal, any excess shall be donated to the Incarcerated Inmate Welfare Fund; any deficiency shall be charged to the ~~inmate group's~~ incarcerated group's trust account.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Section 19822, Government Code.

Article 5. Personal Cleanliness

Section 3060 is amended to read:

3060. Means.

Institutions will provide the means for all ~~inmates~~ incarcerated persons to keep themselves and their living quarters clean and to practice good health habits.

Comment: Former DP-1501, policy, general.

Section 3061 is amended to read:

3061. Personal Hygiene.

(a) ~~Inmates~~ Incarcerated persons must keep themselves clean, and practice those health habits essential to the maintenance of physical and mental well-being. All ~~inmates~~ incarcerated persons shall receive basic supplies necessary for maintaining personal hygiene. ~~Inmates~~ Incarcerated persons shall be provided products for washing hands, bathing, oral hygiene, and other personal hygiene, including but not limited to: soap, toothpaste or toothpowder, toothbrush, and toilet paper.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5007.7 and 5054, Penal Code.

Section 3062 is amended to read:

3062. Inmate Incarcerated Person Grooming Standards.

(a) An ~~inmate's~~ incarcerated person's hair and facial hair shall be clean, neatly styled, and groomed, as specified in these regulations, when ~~he/she is~~ they are away from the immediate area of ~~his/her~~ their quarters.

(b) An ~~inmate's~~ incarcerated person's hair and facial hair shall have no lettering, numbering, or designs of any kind cut, shaved, dyed, painted or in any way placed in the hair or on the scalp or face of the ~~inmate~~ incarcerated person.

(c) An ~~inmate~~ incarcerated person shall not alter the appearance of ~~his/her~~ their hair or facial hair by changing its natural color.

(d) An ~~inmate~~ incarcerated person shall not possess a wig or hairpiece unless deemed medically necessary by the Chief Medical Officer and authorized, in writing, by the appropriate division of adult institutions' associate director.

(e) An ~~inmate's~~ incarcerated person's hair or facial hair may be any length but the ~~inmate's~~ incarcerated person's hair shall not extend over the eyebrows or cover the ~~inmate's~~ incarcerated person's face. The hair and/or facial hair shall not pose a health and safety risk. If hair or facial hair is long, it shall be worn in a neat, plain style, which does not draw undue attention to the ~~inmate~~ incarcerated person.

(f) An ~~inmate~~ incarcerated person may possess and use approved hair and/or facial hair holding devices based on Section 3190.

(g) An ~~inmate~~ incarcerated person with hair/facial hair styles, including but not limited to braids, cornrows, ponytails, or dreadlocks, shall be required to unbraid, undo, or take down their hair, as applicable for thorough inspections, as instructed by custody staff to ensure hair and/or facial hair is free of contraband.

(h) Facial hair, including beards, mustaches, and sideburns are permitted for male ~~inmates~~ incarcerated persons and shall be maintained in a manner as defined in this section.

(i) An ~~inmate~~ incarcerated person who is assigned to work in food preparation, processing or serving areas, and/or around machinery, or in high fire hazard areas, may be required, for safety and sanitation reasons, to further limit ~~his/her~~ their grooming in order to properly wear such health and safety equipment as is deemed necessary by staff, including but not limited to, hair nets, safety head coverings, etc.

(j) An ~~inmate's~~ incarcerated person's fingernails shall not extend more than ¼ inch beyond the tips of the fingers. Nails shall be neat and clean. Female ~~inmates~~ incarcerated persons may be permitted to wear only clear nail polish.

(k) An ~~inmate~~ incarcerated person may not pierce any part of ~~his/her~~ their body for the purpose of wearing an earring or other jewelry. A male ~~inmate~~ incarcerated person may not possess or wear earrings. A female ~~inmate~~ incarcerated person may wear authorized earrings with only one matching earring worn in each ear. An ~~inmate~~ incarcerated person shall not possess or wear any type of jewelry or other object intended to be worn as a body piercing adornment.

(l) A female ~~inmate~~ incarcerated person may wear cosmetics that blend with or match the natural, non-ruddy skin tone. False eyelashes are not permitted.

(m) An ~~inmate~~ incarcerated person who fails to comply with these grooming standards may be deemed a program failure, pursuant to Section 3062, subject to progressive discipline and classification committee review for appropriate housing and program placement. Physical force shall not be used to enforce compliance with these regulations, except as permitted by existing law or with a court order.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Sukhjinder S. Basra v. Matthew Cate*, Case No.: CV11-01676 SVW(FMOx), June 2011, *Warsoldier v. Woodford*, Case No.: 04-55879, DC No. CV-04-02233-RSWL, (July 2005); and *In re Corey Williams*, Case No.: SC133840A, (February 2004).

Section 3063 is amended to read:

3063. Tattoos.

~~Inmates~~ Incarcerated persons shall not tattoo themselves or others, and shall not permit tattoos to be placed on themselves. ~~Inmates~~ Incarcerated persons shall not remove or permit removal of tattoos from themselves or others.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 653 and 2082, Penal Code.

Section 3064 is amended to read:

3064. Quarters.

~~Inmates~~ Incarcerated persons must keep their quarters and surroundings neat, clean and sanitary. ~~Inmates~~ Incarcerated persons may not alter their quarters or equipment without specific authorization to do so.

Comment: Former DR-1504, care of quarters.

Article 6.3. The Family Foundations Program

Section 3074.3 is amended to read:

3074.3. The Family Foundations Program.

(a) The Family Foundations Program (FFP) is a 12-month residential substance abuse treatment program for pregnant and/or parenting female ~~inmates~~ incarcerated persons who have been determined by the court to benefit from participation, recommended by the court for placement, and are accepted by the Department to participate. Female ~~inmates~~ incarcerated persons in the program will be placed in a Family Foundations facility in the community as an alternative to serving their prison term in a State prison institution.

(b) Eligibility. To be eligible, a female ~~inmate~~ incarcerated person shall be sentenced to serve a term of not more than 36 months and be recommended by the court to participate, must have an established history of substance abuse, and be either pregnant or the parent of a child under the age of six years. Medical/dental and mental health evaluations shall be performed prior to placement to determine the existence of health care conditions that would affect participation in the program or require a reasonable accommodation be provided to the participant.

(c) Ineligibility. Female ~~inmates~~ incarcerated persons who have been convicted of violent crimes and other offenses enumerated in Penal Code section 1174.4 are excluded from the program. In addition, a woman is ineligible for the program if she has an active or potential United States Immigration and Naturalization hold, felony hold; her child is a dependent of the court and it has been determined by the representative of the appropriate county agency that it is not in the best interest of the child; she is determined by the Department to pose an unreasonable risk to the public; a staff physician or psychiatrist has determined that the ~~inmate's~~ incarcerated person's medical or psychiatric condition is likely to cause an adverse effect upon the ~~inmate~~ incarcerated person or upon other persons if the ~~inmate~~ incarcerated person is placed in the program; or she is not willing to sign a CDC Form 1890, Voluntary Placement Agreement, (4/99), which is incorporated by reference, and outlines the obligations and responsibilities of program participants.

Subsections 3074.3(d) through 3074.3(p) remain unchanged.

NOTE: Authority cited: Sections 1174.8(a) and 5058, Penal Code. Reference: Sections 1174-1174.9 and 5054, Penal Code.

Article 6.5. Intake, Release and Discharge of ~~Inmates~~ Incarcerated Persons

Section 3075 is amended to read:

3075. Initial Intake and County Reimbursements.

(a) CDCR shall assign each county to a reception center (RC) institution for the delivery of new commitment State ~~inmates~~ incarcerated persons.

(b) The county shall first contact the designated RC institution, on or before the Friday prior to the week of transfer, to notify and coordinate the upcoming delivery of the ~~inmate(s)~~ incarcerated person(s).

(1) In the event the RC is unable to accept delivery of the ~~inmate(s)~~ incarcerated person(s), the county shall contact the CDCR Intake Control Unit (ICU). The ICU will make every effort to direct the county to an alternate RC.

Subsection 3075(b)(1)(A) remains unchanged.

(B) If ICU notifies a county that space is available at a RC after previously being denied, the county shall deliver the ~~inmate(s)~~ incarcerated person(s) within two working days (Monday through Friday, excluding holidays), from CDCR's notification of bed availability.

(C) If the county is unable to deliver the ~~inmate(s)~~ incarcerated person(s) within two working days, reimbursement will not be authorized for any additional days.

(D) ~~Inmates~~ Incarcerated persons shall be delivered in the order they were notified to the ICU.

(c) If the ICU has been notified by the county that a new commitment ~~inmate~~ incarcerated person is ready to be transported, and the department is unable to accept delivery by the fifth working day (Monday through Friday, excluding holidays), pursuant to Penal Code (PC) Section 4016.5(a), a county shall be reimbursed for costs incurred resulting from the detention of a new commitment State ~~inmate~~ incarcerated person, or a county referral of an ~~inmate~~ incarcerated person pursuant to PC Section 1203.03.

(1) CDCR shall reimburse a county for each day of an ~~inmate's~~ incarcerated person's detention, starting on the day following the fifth working day after ICU is notified of the ~~inmate's~~ incarcerated person's denied delivery.

(2) The county shall not be reimbursed if, upon notification of the pending transport, ICU directs the county to deliver the State ~~inmate~~ incarcerated person to an alternate RC and the county refuses or is unable to transport ~~inmates~~ incarcerated persons to the alternate RC.

(3) The county shall not be reimbursed for the detention of an ~~inmate(s)~~ incarcerated person(s) for any period of time prior to notification and within the five-day time period after notification.

Subsection 3075(c)(4) remains unchanged.

(d) A county is also entitled to reimbursement for mileage expenses incurred when transporting State ~~inmates~~ incarcerated persons to a State institution. A mileage expense will be paid for a total round trip distance.

(e) ~~Inmates~~ Incarcerated persons received by the department shall be accompanied by either a copy of the minute order or an abstract of the judgment certified by the clerk of the court or judge. Confidential medical/mental health documents indicating that the ~~inmate~~ incarcerated person is medically capable for transport are required upon delivery. The ~~inmate's~~ incarcerated person's identity shall be verified by staff to prevent inadvertent acceptance of a person not legally committed to the department.

(f) Upon staff's receipt of an ~~inmate's~~ incarcerated person's cash, personal securities and property, a CDCR Form 104 (Rev. ~~6/13/07~~/24), ~~Inmate~~-Property and Cash Receipt -- Arrival, which is incorporated by reference, shall be completed.

(g) Each inmate incarcerated person shall be photographed and an identification card prepared. The identification photo shall be updated every five years or when there is a distinct change in the inmate's incarcerated person's physical appearance. An inmate incarcerated person who noticeably changes ~~his/her~~ their appearance will be charged for the cost of the updated identification photo/card, if the distinct change occurs anytime within the five-year period.

(h) Each inmate incarcerated person shall be informed of the departmental grooming standards and shall be afforded an opportunity to comply prior to being photographed. Each inmate incarcerated person will be advised that failure to comply with departmental grooming standards may result in the issuance of an administrative rule violation report and that a repeated pattern of administrative rule violations, may result in the inmate incarcerated person being deemed a program failure pursuant to Section 3000. The processing officer will document on a CDC Form 128-B (Rev. 4/74), General Chrono, the inmate's incarcerated person's refusal to comply with the departmental grooming standards. The CDC Form 128-B will be forwarded to records for the inmate's incarcerated person's initial classification committee review.

(i) All condemned male inmates incarcerated persons shall be delivered to San Quentin State Prison, pursuant to Penal Code section 3600.

(j) All condemned female inmates incarcerated persons shall be delivered to the Central California Women's Facility, pursuant to Penal Code section 3601.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1202a, 1203.03, 1216, 1217, 2081.5, 2901, 3058.5, 3600, 3601, 4016.5(a), 4537, 4750, 4751 and 5054, Penal Code; and Section 19853, Government Code.

Section 3075.1 is amended to read:

3075.1. Intake Processing.

(a) A CDC Form 188-L (Rev. 3/89), Cumulative Case Summary, shall be prepared for each inmate incarcerated person committed to the department and shall include:

Subsections 3075.1(a)(1) through 3075.1(a)(6) remain unchanged.

(7) CDC Form 816 (Rev. 02/03), Reception Center Readmission Summary.

(8) A summary of the inmate's incarcerated person's social factors regarding the inmate's incarcerated person's: religion; driver's license number; social security number; and the names, birthdays, addresses and occupations of parents and siblings; dates and status of marriages; names, birthdays and custody of children; and family arrest history.

(b) Information affecting an inmate's incarcerated person's conditions of confinement or parole and sentence shall be solicited from sources outside the department, with or without the inmate's incarcerated person's consent, and shall include California Youth Authority/Division of Juvenile Justice commitment history within the last five years and history of any federal, state or local commitment.

(c) A psychiatric or psychological evaluation shall be prepared for each inmate incarcerated person whose behavior or background information causes staff to believe a serious mental problem may exist.

(d) Casework information and documents important to the placement and supervision of the inmate incarcerated person shall include:

(1) Notification in Case of ~~Inmate~~ Death, Serious Injury, or Serious Illness of an Incarcerated Person (see section ~~3357~~ 3999.417).

(2) CDCR Form 128-O (~~8/9207/24~~), Document Receipt.

(3) CDCR Form 345 (Rev. ~~2/1307/24~~), Authorization for the Secretary to Maintain Trust Account, which is incorporated by reference.

Subsection 3075.1(e) remains unchanged.

(f) Information obtained from other documents shall indicate the source. Unverified information affecting an ~~inmate's~~ incarcerated person's conditions of confinement or parole and sentence shall be noted as unverified.

(g) Each ~~inmate~~ incarcerated person shall before initial classification be provided a copy of their CDC Form 188-L from which the CI&I Report and CDC Form 112 have been removed.

Subsection 3075.1(h) remains unchanged.

(1) The ISRS shall state the sources of information used and summarize the ~~inmate's~~ incarcerated person's history of or status concerning: type of confidential information on file; holds or detainers; medical and dental requirements or limitations; results of a psychiatric or psychological referral; work experiences and skills; narcotics, drugs and alcohol use; escapes; arson offenses; sex-related offenses; Rehabilitative Program needs or interests; necessary casework follow-up; the counselor's evaluation of the ~~inmate~~ incarcerated person; release plans if the ~~inmate~~ incarcerated person has six months or less to release; classification score and custody designation suffix; community correctional facility eligibility; and recommended facility placement.

Subsection 3075.1(h)(2) remains unchanged.

(A) Address the ~~inmate's~~ incarcerated person's past criminal behavior.

(B) Include in the counselor's evaluation of the ~~inmate~~ incarcerated person a sentencing recommendation to the court.

(C) If the court commits the ~~inmate~~ incarcerated person to the department, include a supplemental report of any changes affecting the ~~inmate's~~ incarcerated person's conditions of confinement or parole and sentence since the presentence summary and a recommended facility placement.

Subsection 3075.1(i) remains unchanged.

(j) Information affecting an ~~inmate's~~ incarcerated person's conditions of confinement or parole and sentence and received after completion of the ISRS or CDC Form 816 shall be incorporated into the ~~inmate's~~ incarcerated person's file.

Subsection 3075.1(j)(1) remains unchanged.

(2) Information received after the ~~inmate~~ incarcerated person has been transferred shall be forwarded to the ~~inmate's~~ incarcerated person's new facility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.01, 1203.03, 2930, 3002, 5054 and 5068, Penal Code.

Section 3075.2 is amended to read:

3075.2. Releases.

(a) Day of release.

(1) ~~Inmates~~ Incarcerated persons, except as otherwise provided by applicable law and regulations, shall be released on their scheduled release date. ~~Inmates~~ Incarcerated persons shall not be retained beyond their discharge date.

Subsections 3075.2(b) through 3075.2(b)(1) remain unchanged.

(A) An ~~inmate~~ incarcerated person required to register pursuant to Penal Code sections 186.30, 290, or 457.1, or Health and Safety Code section 11590 shall be notified of the requirement before being released from custody.

(B) Such ~~inmates~~ incarcerated persons shall complete a SS Form 8047, Notice of Registration Requirement, acknowledging notification of the requirement.

(2) Reporting instructions for ~~inmates~~ incarcerated persons being released to parole, except for ~~inmates~~ incarcerated persons released to non-revocable parole as provided in section 3505:

(A) The CDCR Form 611, Release Program Study (RPS) (Rev. 8/12/07/24), located in SOMS, which is incorporated by reference; the automated Notice and Conditions of Parole (NOC) (Rev. 07/22), which is incorporated by reference, the automated Special Conditions of Parole (SCOP) (Rev. 04/19), which is incorporated by reference, and reporting instructions, shall be explained to the ~~inmate~~ incarcerated person at least 45 days before their scheduled release to parole or, if less than 45 days remain as a result of a change in the ~~inmate's~~ incarcerated person's legal status, as soon as possible.

(B) The CDCR Form 611 shall specify a date, time, place and official to whom a newly released ~~inmate~~ incarcerated person shall report.

(C) ~~Parolees~~ Supervised persons designated as the highest control or highest risk classification shall report to their assigned parole unit on the first working day following release or within two calendar days from release, as instructed by a parole agent. Under no circumstances shall ~~parolees~~ supervised persons designated as the highest control or highest risk classification be granted a delay in reporting to their assigned parole unit.

Subsection 3075.2(b)(2)(D) remains unchanged.

1. Any delay in reporting to an assigned parole unit upon release from incarceration shall be case conferenced with a unit supervisor for approval. ~~Parolees~~ Supervised persons released from incarceration shall report to their assigned parole unit and any delay in reporting shall only be approved in extenuating circumstances, on a case-by-case basis, when the circumstances surrounding the release prevents the ~~parolee~~ supervised person from reporting in a timely manner and are beyond their control (e.g., ~~parolee~~ supervised person cannot report to the assigned parole unit as instructed due to the distance between the release location and the assigned parole unit). The unit supervisor should only authorize the amount of time reasonably necessary to allow the ~~parolee~~ supervised person to report to the assigned parole unit. Under no circumstances shall the delay in reporting be authorized for more than seven calendar days from the ~~parolee's~~ supervised person's scheduled reporting date.

(3) Notice and conditions of parole requirements, except for ~~inmates~~ incarcerated persons released to non-revocable parole.

(A) Prior to any parole proceeding, the parole agent shall complete the CDCR Form 2289 (Rev. ~~04/2007/24~~), Notice and Request for Assistance During a Parole Proceeding, which is incorporated by reference, and verify any known disabilities that may require a reasonable accommodation or modification during a parole proceeding by reviewing case documents and CDCR databases.

(B) The automated NOC and, if applicable, the automated SCOP shall be interpreted or otherwise effectively communicated to all ~~parolees~~ supervised persons.

(C) The parole agent shall request the ~~parolee~~ supervised person to sign a printed copy of the automated NOC, and a printed copy of the automated SCOP (if applicable), after explaining the form(s) to the ~~parolee~~ supervised person. If the ~~parolee~~ supervised person refuses to sign the NOC or SCOP, the parole agent shall attempt to resolve the issue. If the ~~parolee~~ supervised person continues to refuse to sign the NOC or SCOP, the parole agent shall note the refusal in the signature block of the NOC or SCOP and advise the ~~parolee~~ supervised person that the conditions of parole are imposed regardless of the signature.

(D) If an interstate cooperative ~~parolee~~ supervised person, as defined in section 3000, refuses to sign conditions of parole, this shall be considered behavior requiring retaking and reported to the state from which the ~~parolee~~ supervised person was sent, with a recommendation that the offender be returned to the sending state.

(E) Any special conditions of parole imposed by the department shall be related to the ~~inmate's~~ incarcerated person's commitment offense or to conduct that may reasonably lead to future criminal behavior.

(F) When a department-imposed special condition no longer applies to a ~~parolee~~ supervised person, a unit supervisor or higher level staff may remove or modify any but the following department-imposed special conditions:

Subsections 3075.2(b)(3)(F)1. through 3075.2(b)(3)(F)2. remain unchanged.

(G) Within five days after verbally requiring or prohibiting specific behavior of a ~~parolee~~ supervised person, staff shall give the ~~parolee~~ supervised person written confirmation of such instructions.

(4) Notice of non-revocable parole requirements:

(A) ~~Inmates~~ Incarcerated persons who are approved for non-revocable parole shall have an automated NOC and, if applicable, an automated SCOP effectively communicated to them at least 45 days prior to their scheduled release to parole, or as soon as possible if less than 45 days prior to release remain. The automated NOC and the automated SCOP shall document the offender's understanding of requirements including, but not limited to, the following:

Subsections 3075.2(b)(4)(A)1. through 3075.2(b)(4)(A)4. remain unchanged.

(5) Reporting instructions and notice of conditions of release for ~~inmates~~ incarcerated persons released to Postrelease Community Supervision as provided in section 3079:

(A) The CDCR Form 611 (Rev. ~~8/1207/24~~), Release Program Study; and the CDCR Form 1515-CS (Rev. ~~08/1207/24~~), Notice and Conditions of Postrelease Community Supervision, which is

incorporated by reference, and any additional reporting instructions or conditions received by the supervising county shall be explained to the ~~inmate~~ incarcerated person at least 45 days before their scheduled release date or, if less than 45 days remain as a result of a change in the ~~inmate's~~ incarcerated person's legal status, as soon as possible.

(B) The CDCR Form 611 shall specify, at minimum, a place and official to whom a newly released ~~inmate~~ incarcerated person shall report.

(c) Release Clearances.

(1) Before release, an ~~inmate~~ incarcerated person shall be provided a CDC Form 162 (Rev. 1/66), Release Clearance, to obtain the signature indicating the release clearance of the facility officials as designated thereon, and return the form to the facility's receiving and release office.

(2) The original CDC Form 122 (Rev. 12/85), Property Receipt-Release, which is completed by receiving and release staff, shall be provided to the ~~inmate~~ incarcerated person before release.

(3) At the time of release, the ~~inmate~~ incarcerated person shall be presented a CDCR Form 102 (Rev. ~~03/2207/24~~), Release Statement, which is hereby incorporated by reference, to sign acknowledging receipt of any California identification card, medical card, debit card with terms and conditions, instructional flyer, cash, check(s), or transportation voucher, and clothing, or any combination thereof. Failure by the ~~inmate~~ incarcerated person to sign the CDCR Form 102 shall not be justification for withholding either the ~~inmate's~~ incarcerated person's release allowance or any trust account funds, as described in subsections 3075.2(d) and 3075.2(d)(1).

(d) Release Allowances. A release allowance is a sum of money intended for the rehabilitative purpose of assisting in an ~~inmate/parolee's~~ incarcerated/supervised person's reintegration into society, and shall only be provided to an ~~inmate/parolee~~ incarcerated/supervised person who is released from a CDCR Institution/Community Correctional Facility to the direct supervision of a parole agent in the community, is placed on non-revocable parole, is released to Postrelease Community Supervision, is released to an alternative custody program pursuant to 15 CCR § 3078, et seq., is released upon completion of a term of imprisonment to local law enforcement as a result of a detainer or hold, is released to the custody and supervision of the Department of State Hospitals, is released to a detainer or hold pursuant to commitment proceedings as a sexually violent predator (Welfare and Institutions Code, Article 4, Section 6600), or is discharged from the jurisdiction of the CDCR. Except as stipulated below, ~~inmates/parolees~~ incarcerated/supervised persons shall receive the release funds specified in Penal Code (PC) Section 2713.1, for six months or more served in a CDCR Institution/Community Correctional Facility. ~~Inmates/parolees~~ Incarcerated/supervised persons serving less than six months in a CDCR Institution/Community Correctional Facility shall be given a prorated daily rate for each day, or fraction of a day, in custody up to the amount specified in PC 2713.1 utilizing the formula:

Release funds per the amount specified in PC 2713.1 divided by 182.5 days (six months) equals the daily rate rounded to two decimal places.

The cost of the following items shall be deducted from the ~~inmate's~~ incarcerated person's release allowance in connection with the ~~inmate's~~ incarcerated person's release:

Release apparel not previously purchased by the ~~inmate~~ incarcerated person or ~~inmate's~~ incarcerated person's designee.

Any transportation costs paid by the state.

Clothing and public transportation, if required, shall not be denied due to an insufficient release allowance.

~~Parolees~~ Supervised persons who willfully abscond shall forfeit any remaining release allowance otherwise due to them. ~~Parolees~~ Supervised persons placed in custody and released from county jail as a result of a parole violation are not eligible for CDCR release allowance.

(1) A release allowance shall not be provided to an inmate incarcerated person released to the custody of the federal government or another state unless the inmate incarcerated person is released from custody and available for parole supervision in California or a state under the interstate compact (Article 3 (commencing with Section 11175) and Article 3.5 (commencing with Section 11180) of Chapter 2 of Title 1 of Part 4 of the Penal Code)). ~~Inmates~~ Incarcerated persons released to the custody and supervision of the U.S. Immigration and Naturalization Service and awaiting a deportation hearing date are not entitled to receive a release allowance.

(2) ~~Inmates~~ Incarcerated persons erroneously received into CDCR and ultimately transferred back to the county jail to serve county jail commitment pursuant to PC Section 1170(h), are not eligible to receive a release allowance.

(3) If an inmate incarcerated person is eligible for release allowance of \$200, pursuant to PC section 2713.1, the department shall give the inmate incarcerated person the option of receiving the release allowance and any inmate trust account balance on a debit card or a check. The inmate incarcerated person will be notified of the option of debit card or check at least ten (10) business days before release. If it is not possible to notify the inmate incarcerated person at least 10 business days before release due to a changed release date, the inmate incarcerated person shall be notified as soon as the changed date is determined. The inmate incarcerated person shall make the selection at the time of notification. If the inmate incarcerated person does not select a disbursement option, the release allowance and the inmate trust account balance shall be issued by check(s).

(A) If the total of an inmate's incarcerated person's release allowance and trust account is \$1,000 or less, the total amount will be loaded on a debit card, or the total amount will be issued by check, depending on the selection made by the inmate incarcerated person.

(B) If the total of an inmate's incarcerated person's release allowance and trust account exceeds \$1,000, and the inmate incarcerated person chose the debit card option, the release allowance will be disbursed by debit card. The inmate's incarcerated person's trust account balance will be disbursed by check.

(e) Transportation Arrangements.

(1) An inmate's incarcerated person's transportation upon release shall be arranged by the facility, unless a private party has contacted the facility at least three days before the inmate's incarcerated person's scheduled release, has offered to provide transportation, and the facility has approved the arrangement.

Subsections 3075.2(f) through 3075.2(f)(3) remain unchanged.

NOTE: Authority cited: Sections 2713.1, 3000.03, 5058 and 5058.3, Penal Code. Reference: Sections 186.30, 290, 457.1, 1168, 1170, 1170.05, 2713.1, 2901, 2962, 3007.05, 3053.5, 3060.7, 3067, 3450, 3452, 3453, 3454, 5054, 11175, 11176 and 11180, Penal Code; Sections 2713.1, 6600, 6601 and 6604, Welfare and Institutions Code; 12 CFR 1005.10(e)(2), 31 CFR 1022.380; and *Sabatasso v. Superior Court* (2008) 167 Cal. App. 4th 791, 797.

Section 3075.3 is amended to read:

3075.3. Discharge Certificates.

Subsection 3075.3(a) remains unchanged.

(b) Such certificate shall be issued to the ~~inmate~~ incarcerated person before release and mailed to ~~parolees~~ supervised persons after their discharge date.

(c) ~~Inmates~~ Incarcerated persons who are discharged due to release to Postrelease Community Supervision shall not be issued discharge certificates.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3000.03, 3450 and 5054, Penal Code.

Article 6.6. Department Recommendation to Recall Sentence and Resentence ~~Inmate~~ Incarcerated Person

Section 3076 is amended to read:

3076. Secretary's Authority.

(a) Subdivision (a)(1) of Section 1170.03 of the Penal Code authorizes the Secretary to recommend to a sentencing court that the sentence and commitment previously imposed on an ~~inmate~~ incarcerated person be recalled and that the court resentence the ~~inmate~~ incarcerated person for any reason, subject to the Secretary's sound discretion.

(b) Subdivision (e)(1) of Section 1170 of the Penal Code authorizes the Secretary to recommend to a sentencing court that the sentence previously imposed on an ~~inmate~~ incarcerated person be recalled if the criteria found in subdivision (e)(2) of Section 1170 of the Penal Code are satisfied.

(c) The provisions of this article do not apply to condemned ~~inmates~~ incarcerated persons and ~~inmates~~ incarcerated persons sentenced to life without the possibility of parole.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1170.03, 1170(e) and 5054, Penal Code.

Section 3076.1 is amended to read:

3076.1. Recommendation Pursuant to Subdivision (a)(1) of Section 1170.03 of the Penal Code.

(a) Under any of the following circumstances, the Secretary may recommend to a sentencing court that the sentence and commitment previously imposed on an ~~inmate~~ incarcerated person be recalled and that the court resentence the ~~inmate~~ incarcerated person:

(1) When an ~~inmate~~ incarcerated person demonstrates exceptional conduct as defined in subsection (b)(1);

Subsections 3076.1(a)(2) through 3076.1(b) remain unchanged.

(1) An ~~inmate~~ incarcerated person may be considered for recommendation pursuant to subsection (a)(1) if their behavior while incarcerated demonstrates compliance with departmental rules pursuant to subsection 3076.1(b)(2)(C) and participation in rehabilitative programming.

(2) Notwithstanding subsection (b)(1), ~~inmates~~ incarcerated persons who meet the following criteria shall be excluded from consideration under this subsection:

(A) An ~~inmate~~ incarcerated person who is required to register as a ~~tier two or three offender~~ pursuant to sections 290(d)(2)(A) and 290(d)(3) of the Penal Code.

(B) ~~Inmates~~ Incarcerated persons who have not yet served ten continuous years of custody in the Department;

(C) ~~Inmates~~ Incarcerated persons who have been found guilty of a serious or violent rules violation which qualifies as a Division A-1, A-2, B, C, or D offense as described in subsections 3323(b) through (f) within the last five years or whose serious or violent rules violation as described above is pending;

(D) Determinately sentenced ~~inmates~~ incarcerated persons who are already scheduled for release within the next 18 months;

(E) Determinately sentenced ~~inmates~~ incarcerated persons who, pursuant to subdivision (a)(1) of Section 32 of Article 1 of the California Constitution, are eligible for parole consideration within the next 18 months or have already been afforded parole consideration; or

(F) Indeterminately sentenced ~~inmates~~ incarcerated persons who, pursuant to subdivision (a)(1) of Section 32 of Article 1 of the California Constitution or Sections 3041, 3051, or 3055 of the Penal Code, are scheduled for a parole hearing within the next 18 months or have already been afforded a parole hearing, regardless of the decision by the Board of Parole Hearings.

(G) An ~~inmate~~ incarcerated person who is convicted of a single offense and is serving the low (mitigated) term for which there is no lesser-included offense, sentence enhancement, or alternative sentencing scheme which might result in a shorter sentence if the court legally resentenced the ~~inmate~~ incarcerated person.

Subsections 3076.1(b)(3) through 3076.1(b)(3)(A) remain unchanged.

(B) The Classification Services Unit shall not accept referrals from ~~inmates~~ incarcerated persons or other parties on behalf of ~~inmates~~ incarcerated persons.

(C) If an ~~inmate~~ incarcerated person is found ineligible for one of the reasons enumerated in subsection (b)(2), the Classification Services Unit shall document the reason or reasons for the ~~inmate's~~ incarcerated person's ineligibility and a copy of the document shall be provided to the ~~inmate~~ incarcerated person and another copy placed in the ~~inmate's~~ incarcerated person's central file within 10 business days of the decision.

(D) If an ~~inmate~~ incarcerated person is found to have no exclusionary case factors pursuant to subsection 3076.1(b)(2), the Classification Services Unit shall submit the ~~inmate's~~ incarcerated person's name to the Secretary. The Secretary may elect to decline to make a referral to the sentencing court, or direct the Classification Services Unit to prepare a Cumulative Case Summary, which shall include all of the following information:

1. ~~Inmate's~~ Incarcerated person's name and CDCR number;

Subsections 3076.1(b)(3)(D)2. through 3076.1(b)(3)(D)6. remain unchanged.

7. ~~Inmate~~ Incarcerated person visitor history (number of approved visitors and number of visits made during incarceration);

Subsections 3076.1(b)(3)(D)8. through 3076.1(b)(3)(D)9. remain unchanged.

10. A copy of the Abstract of Judgment and minute order for the ~~inmate's~~ incarcerated person's current commitment offense, including plea agreements.

(4) ~~Inmates~~ Incarcerated persons considered under this section but deemed ineligible by the Classification Services Unit as described in subsection (b)(3)(C), or not acted upon by the Secretary as described in subsection (e)(3), shall not be reconsidered by the Department for two years from the date the decision was documented by the Classification Services Unit or the Secretary, whichever is later in time.

Subsection 3076.1(c) remains unchanged.

(1) An ~~inmate~~ incarcerated person may be considered for referral pursuant to subsection (a)(2) if their sentence, as reflected in the Abstract of Judgment, contradicts applicable sentencing laws at the time of their sentencing hearing or subsequent court decisions suggesting the substantial likelihood of a sentencing discrepancy.

(2) Notwithstanding subsection (c)(1), determinately sentenced ~~inmates~~ incarcerated persons who are scheduled for release within the next six months shall be excluded from consideration under this section.

(3) Initial eligibility for consideration under subsection (a)(2) shall be determined by the Correctional Case Records Unit. Eligibility shall be determined by evaluating the Abstract of Judgment of each ~~inmate~~ incarcerated person and determining if there is a discrepancy between the ~~inmate's~~ incarcerated person's sentence and the sentencing laws that existed at the time of the sentencing hearing or between the ~~inmate's~~ incarcerated person's sentence and subsequent court decisions. If an ~~inmate~~ incarcerated person is found eligible, the Correctional Case Records Unit shall refer the matter to the Secretary.

Subsection 3076.1(d) remains unchanged.

(1) An ~~inmate~~ incarcerated person may be considered for referral pursuant to subsection (a)(3) if the applicable sentencing laws at the time of their sentencing hearing are subsequently changed due to new statutory or case law authority with statewide application.

(2) Notwithstanding subsection (d)(1), ~~inmates~~ incarcerated persons who meet the following criteria shall be excluded from consideration under this subsection:

(A) ~~Inmates~~ Incarcerated persons who have not yet served five continuous years of CDCR custody;

(B) ~~Inmates~~ Incarcerated persons who have been found guilty of a serious or violent rules violation which qualifies as a Division A-1, A-2, B, C, or D offense as described in subsections 3323(b) through (f) within the last one year or whose serious or violent rules violation as described above is pending;

(C) Determinately sentenced ~~inmates~~ incarcerated persons who are already scheduled for release within the next 18 months;

(D) Determinately sentenced ~~inmates~~ incarcerated persons who, pursuant to subdivision (a)(1) of Section 32 of Article 1 of the California Constitution, are eligible for parole consideration within the next 18 months or have already been afforded parole consideration; or

(E) Indeterminately sentenced ~~inmates~~ incarcerated persons who, pursuant to subdivision (a)(1) of Section 32 of Article 1 of the California Constitution or Sections 3041, 3051, or 3055 of the Penal

Code, are scheduled for a parole hearing within the next 18 months or who have already been afforded a parole hearing, regardless of the decision by the Board of Parole Hearings.

Subsection 3076.1(d)(3) remains unchanged.

(A) If an ~~inmate~~ incarcerated person is found ineligible for one of the reasons enumerated in subsection (d)(2), the Classification Services Unit or the Correctional Case Records Unit shall document the reason or reasons for the ~~inmate's~~ incarcerated person's ineligibility and a copy of the document shall be provided to the ~~inmate~~ incarcerated person and another copy placed in the ~~inmate's~~ incarcerated person's central file within 10 business days of the decision.

(B) If an ~~inmate~~ incarcerated person is found to have no exclusionary case factors pursuant to subsection 3076.1(d)(2), the Classification Services Unit (CSU) or the Correctional Case Records Unit shall submit the ~~inmate's~~ incarcerated person's name to the Secretary. The Secretary may elect to decline to make a referral to the sentencing court, or:

1. If the ~~inmate~~ incarcerated person was submitted to the Secretary by CSU, direct CSU to prepare a Cumulative Case Summary, as described in subsection 3076.1(b)(3)(D), or:

2. If the ~~inmate~~ incarcerated person was submitted to the Secretary by the Correctional Case Records Unit, a recommendation letter shall be forwarded to the sentencing court.

(4) ~~Inmates~~ Incarcerated persons considered under this section but deemed ineligible by the Classification Services Unit or the Correctional Case Records Unit as described in subsection (d)(3)(A), or not acted upon by the Secretary as described in (e)(3), shall not be reconsidered by the Department for two years from the date the decision was documented by the Classification Services Unit, the Correctional Case Records Unit, or the Secretary, whichever is later in time.

Subsections 3076.1(e) through 3076.1(e)(1) remain unchanged.

(2) If the Secretary elects to recommend an ~~inmate~~ incarcerated person for recall and resentencing, a recommendation letter and, when required pursuant to subsection 3076.1(b)(3)(D), a Cumulative Case Summary shall be forwarded to the sentencing court and a copy shall be provided to the ~~inmate~~ incarcerated person and another copy placed in the ~~inmate's~~ incarcerated person's central file within 10 business days of the decision.

(3) If the Secretary elects not to recommend an ~~inmate~~ incarcerated person for recall and resentencing, a "General Chrono" (CDC Form 128-B; Rev. 4/74), which is incorporated by reference, shall be generated informing the ~~inmate~~ incarcerated person that the Secretary took no action and a copy shall be provided to the ~~inmate~~ incarcerated person and another copy placed in the ~~inmate's~~ incarcerated person's central file within 10 business days of the decision.

Subsection 3076.1(e)(4) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 1170.03, 3041, 3051, 3055 and 5054, Penal Code; and Cal. Const., Art. I, sec. 32.

Section 3076.2 is amended to read:

3076.2. Referral Based on a Law Enforcement, Prosecutorial, or Judicial Referral.

(a) No more than 10 business days after receiving a request from the head of a law enforcement agency, head of a prosecutorial agency, or judicial officer asking that the Secretary consider referring an ~~inmate~~ incarcerated person to a sentencing court pursuant to subdivision (a)(1) of

Section 1170.03 of the Penal Code, the Classification Services Unit shall forward a copy of the request to the District Attorney of the county that prosecuted the ~~inmate~~ incarcerated person resulting in their current incarceration in state prison for consideration pursuant to the District Attorney's independent authority to initiate such a referral.

(b) If the District Attorney elects not to refer the ~~inmate~~ incarcerated person for recall and resentencing or the District Attorney does not respond with a decision to the Classification Services Unit within 90 calendar days of the referral, then the Classification Services Unit shall, no more than 10 business days after learning of the District Attorney's decision not to refer, or 90 calendar days after making the referral to the District Attorney described in subsection (a), whichever comes first, prepare a Cumulative Case Summary as described in subsection (b)(3)(D) of section 3076.1 and forward the request and the summary to the Secretary for consideration pursuant to subsection 3076(a).

(c) If the District Attorney elects to refer the ~~inmate~~ incarcerated person to the sentencing court, then the matter shall be considered closed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1170(a), 3043 and 5054, Penal Code.

Section 3076.3 is amended to read:

**3076.3. Recommendation Pursuant to Subdivision (e) of Section 1170 of the Penal Code--
Consideration Factors.**

For ~~inmates~~ incarcerated persons meeting one or more of the recall eligibility requirements of section 3076(b), the Classification and Parole Representative (C&PR), shall consider the following factors as may be applicable when recommending recall of commitment consideration for an ~~inmate~~ incarcerated person:

(a) The ~~inmate's~~ incarcerated person's commitment offense.

(b) Whether the ~~inmate~~ incarcerated person has a history of affiliation with organized criminal activity, including, but not limited to, any known disruptive group, street gang, prison gang, terrorist group, or racketeering enterprise.

(c) The ~~inmate~~ incarcerated person is or is not designated as a Public Interest Case by the Classification Staff Representative, or their placement has or has not been ordered by the Departmental Review Board because of an unusual threat to the safety of persons or public interest in the ~~inmate's~~ incarcerated person's case.

(d) Whether the court was aware of the ~~inmate's~~ incarcerated person's medical condition at the time of sentencing.

(e) Whether the ~~inmate's~~ incarcerated person's prior criminal history includes violent acts against persons pursuant to Penal Code (PC) section 667.5(c) or PC section 1192.7(c), or registerable offense pursuant to PC section 290.

(f) Whether there exists a documented victim or next of kin of the ~~inmate's~~ incarcerated person's commitment offense in the community who would suffer fear from the release of the ~~inmate~~ incarcerated person back into the community.

(g) Whether the ~~inmate's~~ incarcerated person's documented institutional behavior reflects a history of offenses involving force, violence, assault, arson, or predatory sexual behavior.

(h) Whether there are verifiable community resources appropriate, sufficient, and immediately available to provide support and sustenance and to meet the inmate's incarcerated person's medical and/or psychological needs upon release.

(i) Whether the inmate incarcerated person has committed any other criminal acts, either prior to or during the current period of incarceration, that indicates ~~he or she~~ they would be a danger to the public if released.

(j) Whether the inmate incarcerated person retains the capacity to commit or to influence others to commit criminal acts that endanger public safety.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1170(e), 3043 and 5054, Penal Code; and *Martinez v. Board of Parole Hearings* (2010) 183 Cal.App.4th 578.

Section 3076.4 is amended to read:

3076.4. Recommendation Pursuant to Subdivision (e) of Section 1170 of the Penal Code—Processes.

A physician employed by the California Department of Corrections and Rehabilitation (CDCR) who determines an inmate incarcerated person meets the eligibility requirements described in section 3076(b), shall initiate the recall process on behalf of the inmate incarcerated person. The inmate incarcerated person or their family member or designee may also independently request Penal Code (PC) section 1170(e) recall consideration by contacting the institution's Chief Medical Officer (CMO) or Chief Medical Executive (CME), or the Secretary.

(a) The physician shall document on a CDC Form 128-C (Rev. 01/96), Chrono-Medical-Psychiatric-Dental, the inmate's incarcerated person's illness, functional status, including the inmate's incarcerated person's abilities or limitations in performing activities of daily living, ambulatory status, the reason why the inmate incarcerated person has 12 months or less to live or is permanently medically incapacitated, and their desire to participate in the recall process.

Subsections 3076.4(b) through 3076.4(b)(1) remain unchanged.

(c) The C&PR shall review the CDC Form 128-C and the inmate's incarcerated person's central file.

(1) If the inmate incarcerated person is sentenced to death or to life without the possibility of parole, the Classification and Parole Representative (C&PR) shall document the reason for the ineligibility on a CDC Form 128-B (Rev. 04/74), General Chrono, and file the original in the inmate's incarcerated person's central file. A copy of the CDC Form 128-B excluding any confidential information, as defined in section 3321, shall be sent to the inmate incarcerated person and the inmate's incarcerated person's physician.

(2) If the inmate incarcerated person is not sentenced to death or to life without the possibility of parole, medical staff shall explain the recall of commitment process to the inmate incarcerated person within 48 hours of notification and arrange for the inmate incarcerated person to designate a family member or other outside agent on CDCR Form 7385 (Rev. 09/09), Authorization for Release of Information, which is incorporated by reference. The inmate's incarcerated person's designee shall be informed about the recall of commitment process and the inmate's incarcerated person's medical condition. If the inmate incarcerated person is mentally unfit to designate a family member or other outside agent, medical staff shall contact the inmate's incarcerated person's

emergency contact listed on the Notification in Case of ~~Inmate~~ Death, Serious Injury, or Serious Illness of an Incarcerated Person (see section ~~33573999~~.417) and advise them of the recall process.

(d) The C&PR shall submit the CDC Form 128-C to the ~~inmate's~~ incarcerated person's caseworker. The ~~inmate's~~ incarcerated person's caseworker shall have five working days to prepare an evaluation report noting the ~~inmate's~~ incarcerated person's case factors as listed in section 3076.3, which consists of the following information and attachments:

Subsection 3076.4(d)(1) remains unchanged.

(2) The ~~inmate's~~ incarcerated person's cumulative case summary, including, but not limited to the following information:

(A) ~~Inmate's~~ Incarcerated person's name and CDCR number.

Subsections 3076.4(d)(2)(B) through 3076.4(d)(3) remain unchanged.

(4) The ~~inmate's~~ incarcerated person's post-release plan.

Subsections 3076.4(d)(5) through 3076.4(d)(6) remain unchanged.

(7) CDCR Form 3039 (12/10), Waiver of Defendant's Personal Presence at the Recall and Resentencing Hearing, which is incorporated by reference.

(8) Abstract of Judgment for the ~~inmate's~~ incarcerated person's current commitment offense.

(9) Probation Officer's Report for the ~~inmate's~~ incarcerated person's current commitment offense.

Subsections 3076.4(d)(10) through 3076.4(d)(12) remain unchanged.

(13) The ~~inmate's~~ incarcerated person's most recent Board of Parole Hearings Parole Consideration Report with the ~~Life~~ Life Sentence Parole Hearing Decision Face Sheet containing the Board of Parole Hearings' disposition (applies only to ~~inmates~~ incarcerated persons who are sentenced to an indeterminate term).

Subsections 3076.4(e) through 3076.4(g) remain unchanged.

(1) If a positive recommendation for recall is made, and the ~~inmate~~ incarcerated person is sentenced to a determinate term, the recommendation shall be referred directly to the sentencing court and shall include one or more medical evaluations, the findings of which must determine the ~~inmate~~ incarcerated person meets the criteria set forth in PC section 1170(e)(2), and a post-release plan.

(h) Pursuant to PC section 1170(e)(9), if the sentencing court grants the recall and resentencing application, the ~~inmate~~ incarcerated person shall be released by the department within 48 hours of receipt of the court's order, unless a longer time period is agreed to by the ~~inmate~~ incarcerated person or ordered by the court. If the ~~inmate~~ incarcerated person has agreed to waive the 48-hour release requirement, the department shall request the sentencing court include in its order that the ~~inmate~~ incarcerated person shall be released within 30 calendar days to allow for the coordination of their housing and medical needs in the community to a location where access to care is available.

(i) If the Division of Adult Parole Operations (DAPO) is coordinating the ~~inmate's~~ incarcerated person's placement within the community, the C&PR shall provide a copy of the release order to DAPO upon receipt from the sentencing court.

(j) At the time of release, medical staff shall ensure the ~~inmate~~ incarcerated person has each of the following in their possession; a discharge medical summary, full medical records, State

identification, parole medication, and all property belonging to the ~~inmate~~ incarcerated person. After discharge, any additional records shall be sent to the ~~inmate's~~ incarcerated person's forwarding address.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1170(e), 3043 and 5054, Penal Code; and *Martinez v. Board of Parole Hearings* (2010) 183 Cal.App.4th 578.

Section 3076.5 is amended to read:

3076.5. Victim Notification.

Subsections 3076.5(a) through 3076.5(b) remain unchanged.

(c) All notifications made pursuant to this section shall include the name and the address of the court that will consider the recall of the ~~inmate's~~ incarcerated person's commitment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 679.03, 1170.03, 1170(e), 2085.5, 3003, 3043, 3043.1, 3043.2, 3043.25, 3043.3, 3053.2, 3058.8, 3605, 5054 and 5065.5, Penal Code.

Article 6.7. Transfer of ~~Inmate~~ Incarcerated Person Assessment Responsibility

Section 3077 is amended to read:

3077. County Assessment Program.

The California Department of Corrections and Rehabilitation (CDCR), pursuant to the provisions in sections 3375 through 3379, provides upon reception, an assessment and classification process to each person committed to the custody of the CDCR. Exception to this are Senate Bill (SB) 618 Participants, as defined in section 3000, who will be participating in a SB 618 Program, as defined in section 3000. Pursuant to the authority and process as described in this section, SB 618 Participants, prior to reception by the CDCR, shall be assessed by the county in which the offender is adjudged to have committed ~~his or her~~ their crime.

Subsections 3077(a) through 3077(a)(2) remain unchanged.

(b) ~~Inmate~~ Incarcerated person eligibility. An eligible offender may voluntarily participate in a SB 618 Program. To be eligible, the offender must meet the following criteria:

Subsections 3077(b)(1) through 3077(b)(6) remain unchanged.

(c) Exclusionary criteria. An offender is excluded from participating in the SB 618 Program if ~~he or she~~ they:

Subsections 3077(c)(1) through 3077(d)(3) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

Section 3077.1 is amended to read:

3077.1. Senate Bill 618 Program Participant Determination, Assessment, and Processing.

Subsections 3077.1(a) through 3077.1(a)(2)(C) remain unchanged.

(b) The Life Plan. The SB 618 Participant's Life Plan will be a plan based on the assessed needs of the offender which shall outline the ~~inmate's~~ incarcerated person's specific programming needs and act as a guide for the SB 618 Participant from sentence and incarceration through release on

supervised parole. The Life Plan, which may be referenced differently at each participating county (e.g. Case Plan, Participant Plan, etc.), shall be developed by and have the concurrence of the participating county's MDT.

Subsections 3077.1(b)(1) through 3077.1(g) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

Article 6.8. Alternative Custody Program

Section 3078.1 is amended to read:

3078.1. Alternative Custody Program General Policy.

(a) An Alternative Custody Program (ACP) is a voluntary alternative custody program that allows eligible ~~inmates~~ incarcerated persons to serve their sentence in the community in lieu of confinement in state prison.

Subsections 3078.1(b) through 3078.1(d) remain unchanged.

(e) Each incarcerated person~~inmate~~ released for placement in the ACP shall be subject to applicable rules and regulations governing ~~inmates~~incarcerated persons pursuant to the California Code of Regulations, Title 15, Division 3.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code; and *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.

Section 3078.2 is amended to read:

3078.2. Alternative Custody Program Eligibility Criteria.

(a) To be eligible to participate in the Alternative Custody Program (ACP), the ~~inmate~~ incarcerated person must volunteer.

(b) The ~~inmate~~ incarcerated person shall have no more than 12 months and no less than 45 days left to serve at the time of placement into the ACP, and;

(c) The ~~inmate~~ incarcerated person does not meet any of the exclusionary criteria as provided for in section 3078.3.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code; and *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.

Section 3078.3 is amended to read:

3078.3. Alternative Custody Program Exclusionary Criteria.

Subsections 3078.3(a) through 3078.3(a)(4) remain unchanged.

(5) History of escape within the last 10 years from a facility while under juvenile or adult custody, including, but not limited to any detention facility, camp, jail, or state prison facility or ~~inmates~~ incarcerated persons that have been reviewed for escape and have been assessed an administrative determinant of ESC, as provided in subsection 3375.2(b)(9).

Subsections 3078.3(a)(6) through 3078.3(b) remain unchanged.

(1) The inmate incarcerated person has not satisfactorily complied with rules and regulations while in custody or on parole.

Subsections 3078.3(b)(2) through 3078.3(b)(8) remain unchanged.

(c) An inmate's incarcerated person's existing psychiatric or medical condition that requires ongoing care is not a basis for excluding the inmate incarcerated person from eligibility to participate in ACP.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 290, 667.5(c), 1170.05, 1192.7(c), 1192.8 and 5054, Penal Code. Section 6600(b), Welfare and Institutions Code.

Section 3078.4 is amended to read:

3078.4. Alternative Custody Program Processing.

Subsection 3078.4(a) remains unchanged.

(1) Every inmate incarcerated person shall be afforded the opportunity to sign and submit to their assigned Correctional Counselor a CDCR Form 2234 (03/1607/24), Alternative Custody Program (ACP) Application and Voluntary Agreement, which is incorporated by reference.

(2) Upon receipt of a CDCR Form 2234, the Secretary or ~~his or her~~ their designee shall respond to the applicant within two weeks to inform the offender that the Form 2234 was received and to notify the inmate incarcerated person of the eligibility criteria of ACP.

(3) Preliminary screening for ACP eligibility shall be completed by the Correctional Counselor utilizing the criteria provided in section 3078.2 on a CDCR Form 2235 (03/1607/24), Alternative Custody Program Screening Form, which is incorporated by reference. Upon completion, the CDCR Form 2235 shall be forwarded to Women and Children Services Unit (WCSU) for further screening.

(4) An assessment of the inmate's incarcerated person's predictive factors shall be completed using the California Static Risk Assessment, as provided in section 3768.1. The result of the assessment shall facilitate decisions regarding the placement, supervision and case-management of an offender in a community setting.

(5) WCSU shall review the CDCR Form 2235 and other case factors to determine if the inmate incarcerated person is potentially eligible for ACP. The inmate incarcerated person shall be notified in writing of a determination of potential eligibility.

Subsection 3078.4(b) remains unchanged.

(1) Within 30 calendar days after a finding that the applicant is potentially eligible for participation in ACP, an Individualized Treatment and Rehabilitation Plan (ITRP) shall be developed by designated institution staff in consultation with the inmate incarcerated person based on the assessment completed in (a)(4) above and a review of the inmate's incarcerated person's central file. The ITRP shall address a full range of issues including those directly and indirectly related to the specific needs of the potential ACP Participant. The ITRP shall describe specific activities and services needed to achieve identified goals. The ITRP shall address, but is not limited to the following factors:

Subsections 3078.4(b)(1)(A) through 3078.4(b)(3) remain unchanged.

(4) The participant shall sign the CDCR Form 1516-ACP (Rev. ~~04/2007/24~~), Alternative Custody Program Requirements, which is incorporated by reference, agreeing to comply with the requirements of participation in ACP.

Subsection 3078.4(c) remains unchanged.

(1) The ITRP and all other pertinent information will be presented to the Institution Classification Committee (ICC), as provided in subsection 3376(c)(2), for program participation consideration. The ICC will consider the totality of the information along with input from the ~~inmate~~ incarcerated person prior to recommendation for ACP placement.

Subsections 3078.4(c)(2) through 3078.4(c)(4)(C) remain unchanged.

(5) Case Records functions of ~~inmates~~ incarcerated persons on ACP shall be managed by the location designated by the Director, Division of Adult Institutions.

Subsection 3078.4(c)(6) remains unchanged.

(d) Except as necessary to comply with any release notification requirements, the ~~inmate~~ incarcerated person shall be released to the program no later than seven business days following notice of acceptance into the program, or if this is not possible in the case of an ~~inmate~~ incarcerated person to be placed in a residential drug or treatment program or in a transitional care facility, the first day a contracted bed becomes available at the requested location.

(e) The ~~inmate~~ incarcerated person may file a grievance regarding the decision through the procedures detailed in section 3480 et seq. or reapply for participation in the program 30 days after the notice of the denial.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3078.6 is amended to read:

3078.6. Alternative Custody Program Return to Institution.

Subsections 3078.6(a) through 3078.6(b)(5) remain unchanged.

(6) A felony hold, warrant or detainer is received by the department after an ~~inmate~~ incarcerated person is placed in the ACP.

Subsection 3078.6(b)(7) remains unchanged.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code.

Article 6.9. Postrelease Community Supervision

Section 3079 is amended to read:

3079. Postrelease Community Supervision.

Subsection 3079(a) remains unchanged.

(b) ~~Inmates~~ Incarcerated persons released to PRCS are discharged from the department's custody and placed under the jurisdiction of a county agency.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3450, 3451 and 5054, Penal Code.

Section 3079.1 is amended to read:

3079.1. Postrelease Community Supervision Exclusionary Criteria.

The following shall make an ~~inmate~~ incarcerated person ineligible for Postrelease Community Supervision:

- (a) An ~~inmate~~ incarcerated person serving a current term for a serious felony, as described in Penal Code (PC) Section 1192.7(c) or 1192.8.
- (b) An ~~inmate~~ incarcerated person serving a current term for a violent felony described in PC section 667.5(c).
- (c) An ~~inmate~~ incarcerated person serving a life term.
- (d) An ~~inmate~~ incarcerated person who is determined by the California Department of Corrections and Rehabilitation to be a High Risk Sex Offender, as defined in section 3582.
- (e) Any ~~inmate~~ incarcerated person who is determined to require a condition of parole as an ~~o~~ffender with a ~~m~~ental ~~h~~Health ~~d~~isorder, pursuant to PC section 2962.
- (f) The ~~inmate~~ incarcerated person is subject to a period of parole exceeding three years their current offense, pursuant to PC section 3000.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3451 and 5054, Penal Code.

Article 7. Furloughs and Temporary Leave

Section 3080 is amended to read:

3080. Administration.

Institution and parole division staff will administer ~~inmate~~ incarcerated person work and educational furloughs and temporary community release programs in a prudent manner, and in keeping with the basic need for public protection.

Comment: Former DP-1701, policy, general.

Section 3081 is amended to read:

3081. Compliance.

~~Inmates~~ Incarcerated persons who are granted a furlough or temporary leave must comply with all departmental rules and regulations governing such programs; with any conditions for approval; and, with all applicable laws; and must meet eligibility requirements in accordance with departmental procedures and Sections 2690, 2691, 6250 et seq., 6263 of the Penal Code and Section 3306 of the Welfare and Institutions Code.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 6250-6253 and 6260, Penal Code; and Section 3306, Welfare and Institutions Code.

Section 3082 is amended to read:

3082. Temporary Leaves.

Temporary leaves will be granted only for ~~inmates~~ incarcerated persons who meet the criteria for such leaves, as prescribed in guidelines established by the Secretary, for the following reasons:

(a) Family Emergency. Emergency leaves will normally be considered only for attendance at services for deceased members of the ~~inmate's~~ incarcerated person's immediate family, and for visits to critically ill members of the ~~inmate's~~ incarcerated person's immediate family. Immediate family members are defined in section 3000.

(b) Prerelease Planning. Prerelease planning leaves may be considered for the purpose of employment interviews, making residential plans and for other reasons closely connected to release programs. A prerelease leave will not normally be granted earlier than 63 days before the ~~inmate~~ incarcerated person has an established or reasonably anticipated release date nor any earlier than is required to accomplish the purpose of a prerelease leave.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2690 and 5054, Penal Code.

Section 3083 is amended to read:

3083. Court Hearing on ~~Inmate's~~ Incarcerated Person's Children.

Upon a court order, ~~inmates~~ incarcerated persons will be released to the custody of the sheriff for appearance in court in actions concerning termination of parental rights of an ~~inmate~~ incarcerated person or other parental or marital rights.

Article 8. ~~Inmate~~ Incarcerated Person Sexual Safety

Section 3084 is amended to read:

3084. ~~Inmate-on-Inmate~~Incarcerated Person-on-Incarcerated Person Sexual Violence, Staff-on-~~Inmate~~Incarcerated Person Sexual Misconduct, and Sexual Harassment of ~~Inmates~~ Incarcerated Persons.

(a) A grievance in whole or part containing allegations of ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence, staff-on-~~inmate~~ incarcerated person sexual misconduct, or sexual harassment of ~~inmates~~ incarcerated persons shall be immediately reviewed by the Hiring Authority or designee. The ~~inmate~~ incarcerated person shall not be required to use any informal grievance process, or otherwise attempt to resolve with staff, an alleged incident of ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence or staff-on-~~inmate~~ incarcerated person sexual misconduct. When the grievance alleges or indicates that the ~~inmate~~ incarcerated person may be in substantial risk of imminent ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence, or imminent staff-on-~~inmate~~ incarcerated person sexual misconduct, then a risk assessment shall be immediately undertaken.

(b) An ~~inmate~~ incarcerated person shall not submit a grievance on behalf of another person unless the grievance contains an allegation of ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence, staff-on-~~inmate~~ incarcerated person sexual misconduct, or sexual harassment of any ~~inmate~~ incarcerated person.

(c) Staff-on-~~Inmate~~ Incarcerated Person Sexual Misconduct.

(1) There shall be no time limit for allegations of staff-on-~~inmate~~incarcerated person sexual misconduct.

(2) A risk assessment determination of all staff-on-~~inmate~~incarcerated person sexual misconduct related grievances shall be immediately completed by the Hiring Authority to determine if the ~~inmate~~ incarcerated person is in substantial risk of imminent staff-on-~~inmate~~incarcerated person sexual misconduct. If the assessment results in a determination that the ~~inmate~~ incarcerated person is in substantial risk of imminent staff-on-~~inmate~~incarcerated person sexual misconduct, the Hiring Authority shall take immediate corrective action.

(3) The Hiring Authority shall provide an initial response to the ~~inmate~~ incarcerated person within 48 hours.

(4) An initial risk assessment shall be documented within 48 hours and the completed risk assessment determination by the Hiring Authority shall be documented within 5 calendar days describing whether the ~~inmate~~ incarcerated person was determined to be in substantial risk of imminent staff-on-~~inmate~~incarcerated person sexual misconduct and the action taken in response to the grievance.

(5) The ~~inmate~~ incarcerated person may consider an absence of a timely response at any level a denial at that level.

(d) ~~Inmate-on-Inmate~~ Incarcerated Person-on-Incarcerated Person Sexual Violence.

(1) There shall be no time limit for allegations of ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence.

(2) A risk assessment determination of all ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence related grievances shall be immediately completed by the Hiring Authority to determine if the ~~inmate~~ incarcerated person is in substantial risk of imminent ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence. If the assessment results in a determination that the ~~inmate~~ incarcerated person is in substantial risk of imminent ~~inmate-on-inmate~~ incarcerated person-on-incarcerated person sexual violence, the Hiring Authority shall take immediate corrective action.

(3) The Hiring Authority shall provide an initial response to the ~~inmate~~ incarcerated person within 48 hours.

(4) An initial risk assessment shall be documented within 48 hours and the completed risk assessment determination by the Hiring Authority shall be documented within 5 calendar days describing whether the ~~inmate~~ incarcerated person was determined to be in substantial risk of imminent ~~inmate-on-inmate~~ Incarcerated person-on-incarcerated person sexual violence and the action taken in response to the grievance.

(5) The ~~inmate~~ incarcerated person may consider an absence of a timely response at any level a denial at that level.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and 28 CFR Sections 35.107 and 115.52.

Subchapter 2. ~~Inmate~~ Incarcerated Person Resources

Article 1. Canteens

Section 3090 is amended to read:

3090. ~~Inmate~~ Incarcerated Person Canteen Establishment and Draw Limits.

(a) Each facility shall establish an ~~inmate~~ incarcerated person canteen pursuant to penal code section 5005 enabling ~~inmate~~ incarcerated person purchases of approved merchandise. Facility staff shall consult with representatives of the ~~inmate~~ incarcerated person population when determining items to be stocked in the canteen for resale to the ~~inmates~~ incarcerated persons.

(b) The maximum monthly canteen draw authorized by the Secretary is \$300.00. An ~~inmate's~~ incarcerated person's regular canteen purchase shall not exceed the limits specified in section 3044 or the ~~inmate~~ trust account balance, whichever is less.

(c) ~~Inmates~~ Incarcerated persons shall be permitted to deduct from their trust accounts for canteen purchases by signing a canteen sales receipt.

(d) An ~~inmate's~~ incarcerated person's trust account deductions for canteen purchases shall not be restricted beyond limits established by the Secretary for all ~~inmates~~ incarcerated persons in like work groups, except by formal disciplinary action for a violation involving canteen or the intentional or negligent destruction, damage, or misuse of state property, for violations of subsections 3016(a), 3016(b), 3016(d), or 3290(d), or in accordance with subsections 3315(f)(5)(K) and 3315(f)(5)(M).

(e) Trust account statements showing current balances shall be issued to those ~~inmates~~ incarcerated persons submitting written requests, provided 90 days have elapsed since their previous request.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005 and 5054, Penal Code.

Section 3091 is amended to read:

3091. ~~Inmate~~ Incarcerated Person Canteen Operation.

(a) A current list of approved available merchandise, the price of each item, and the canteen operating hours shall be conspicuously posted at each canteen. Copies shall be made available to ~~inmates~~ incarcerated persons denied direct access to the canteen.

Subsections 3091(b)(1) through 3091(b)(2) remain unchanged.

(3) Include no less than three canteen draw dates each month based on the last two digits of the ~~inmate's~~ incarcerated person's department identification number.

(4) Each ~~inmate~~ incarcerated person shall be entitled to no less than one draw each month.

(c) When purchasing merchandise, ~~inmates~~ incarcerated persons shall be required to:

Subsections 3091(c)(1) through 3091(c)(3) remain unchanged.

(4) Restricted Housing Unit (RHU) ~~inmates~~ incarcerated persons shall sign the approved canteen shopping list prior to submitting it to the RHU staff authorizing the Trust Account withdrawal, and upon receipt of the merchandise, shall sign the approved institution distribution forms to verify the amount purchased and received.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005, 5006 and 5054, Penal Code.

Section 3093 is amended to read:

3093. Canteen Yard and Cash Register Cards.

(a) Facilities may issue IWF Form 22, Canteen Yard Cards (Rev. 8/90), for ~~inmate~~ incarcerated person use in making canteen purchases. ~~Inmates~~ Incarcerated persons shall not alter such card, nor possess or control another ~~inmate's~~ incarcerated person's card or other approved means of canteen purchase.

(b) A transferring ~~inmate's~~ incarcerated person's IWF Form 22 shall be returned to the canteen cancelled and its value credited to the ~~inmate's~~ incarcerated person's trust account.

(c) Annually on May 31, IWF Form 22 of a color different from that currently used shall be issued and the previous color no longer honored. The facility shall post, in conspicuous locations available to every ~~inmate~~ incarcerated person, a written notice of the IWF Form 22 exchange. ~~Inmates~~ Incarcerated persons may, before June 30, exchange their old IWF Form 22 for new or for credit to their trust account. Exception: IWF Form 22 of the previous color may be exchanged after June 30 for ~~inmates~~ incarcerated persons who were out-to-court or in any inpatient medical or mental health facility during the exchange period.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005, 5006 and 5054, Penal Code.

Section 3094 is amended to read:

3094. Exceeding ~~Inmate~~ Incarcerated Person Canteen Limits.

~~Inmates~~ Incarcerated persons shall not possess canteen items and IWF Form 22, Canteen Yard Card (Rev. 8/90), with a combined value exceeding the monthly canteen limit established in section 3044. Excess canteen items and IWF Form 22 shall be confiscated and stored in a secure area pending a disciplinary hearing and resolution of any appeal of the matter.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005, 5006 and 5054, Penal Code.

Section 3095 is amended to read:

3095. Nonroutine Canteen Draws.

(a) ~~Inmates~~ Incarcerated persons unable to make purchases during their scheduled draw shall be allowed to make purchases during canteen open line of the current month.

(b) A newly arrived ~~inmate~~ incarcerated person may within 30 days of arrival be permitted to make purchases at the canteen during any scheduled draw. Such exceptions shall not be made for the ~~inmate's~~ incarcerated person's subsequent draws.

(c) Conservation camp ~~inmates~~ incarcerated persons shall submit their request for canteen draw to the camp lieutenant or designee.

(d) Restricted Housing Unit ~~inmates~~ incarcerated persons shall not be permitted to go to the canteen and shall submit their canteen shopping list to the RHU staff.

Subsection 3095(e) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005 and 5054, Penal Code.

Article 1.5. Inmate Incarcerated Person Wages and Deductions

Section 3097 is amended to read:

3097. Inmate Incarcerated Person Restitution Fine and Direct Order Collections.

(a) When an ~~inmate~~ incarcerated person owes any obligation pursuant to a direct order of restitution imposed by a court, the department shall deduct 50 percent or the balance owing, whichever is less, from the ~~inmate's~~ incarcerated person's wages and trust account deposits regardless of the source of such income, subject to the exemptions enumerated in subsection (g) and shall transfer those funds to the California Victim Compensation Board pursuant to Penal Code sections 2085.5 and 2717.8.

(b) When a condemned ~~inmate-incarcerated person~~ owes any obligation pursuant to a direct order of restitution or to a restitution fine imposed by a court, the department shall deduct 70 percent or the balance owing, whichever is less, from the ~~inmate's~~ incarcerated person's wages and trust account deposits regardless of the source of such income, with the exception of federal disability payments, veteran benefits, any reimbursement to an ~~inmate-incarcerated person~~ as a result of a claim for lost or damaged property, or money reimbursed to an ~~inmate-incarcerated person~~ due to a failed attempt to purchase merchandise, and shall transfer those funds to the California Victim Compensation Board pursuant to Penal Code sections 2085.5 and 2717.8. The collection of restitution fines from condemned ~~inmates-incarcerated persons~~, on their condemned case only, is stayed until the automatic appeal of the conviction resulting in the sentence of death is exhausted. Deductions for direct orders of restitution are not stayed, unless otherwise ordered by the court.

(c) When an ~~inmate~~ incarcerated person owes any obligation pursuant to a restitution fine imposed by a court, the department shall deduct 50 percent or the balance owing, whichever is less, from the ~~inmate's~~ incarcerated person's wages and trust account deposits regardless of the source of such income subject to the exemptions enumerated in subsection (g) and shall transfer those funds to the California Victim Compensation Board pursuant to Penal Code sections 2085.5 and 2717.8. The amount deducted shall be transferred to the California Victim Compensation Board for deposit in the Restitution Fund. The ~~inmate~~ incarcerated person shall be credited for the amount deducted against the amount owing on the fine.

(d) When an ~~inmate~~ incarcerated person owes both a restitution fine and a direct order of restitution from a sentencing court, the department shall collect on the direct order(s) of restitution first. Upon satisfaction of the direct order(s) of restitution, collection of any unsatisfied restitution fine(s) shall commence until paid in full.

(e) Fines and direct orders of restitution shall be collected from ~~inmates or parolees~~ incarcerated or supervised persons who owe restitution while the ~~inmate~~ incarcerated person or parole violator remains under the jurisdiction of the department, with certain exceptions, set out in subsection (g).

(f) Fines and direct orders of restitution may be collected from ~~inmates~~ incarcerated persons and parole violators housed in any CDCR facility, Community Correctional Center, Community Correctional Facility, Community Correctional Reentry Center, Restitution Community Correctional Center or Return to Custody Substance Abuse Treatment Facility. Fines and direct orders of restitution may also be collected from ~~inmates~~ incarcerated persons in the Community ~~Prisoner-Participant~~ Mother, Family Foundations Programs and the Alternative Custody Program.

(g) Joint Venture Program deposits, funds designated to pay the costs of a family visit (“family visit funds”), Temporary Community Leave funds, federal disability payments, veteran benefits,

any reimbursement to an inmate incarcerated person as a result of a claim for lost or damaged property, or money reimbursed to an inmate incarcerated person due to a failed attempt to purchase merchandise are exempt from deductions for fines and direct orders of restitution enumerated in subsections (a), (c), (d), (e), and (f).

(h) Family visit funds and Temporary Community Leave funds shall be so designated by the sender on Form 1839 (Rev. ~~5/97~~07/24), Exemption of Family Visit/Temporary Community Leave Funds From Restitution Fines/Orders, to be completed in its entirety and returned to staff with the appropriate funds. Any funds received for either of these two purposes that are not accompanied by the prescribed form, properly completed, shall be deposited in the inmate's incarcerated person's trust account and shall be subject to a deduction for restitution pursuant to subsections (a), (c), (d), (e), and (f).

(i) Existing funds from the inmate's incarcerated person's trust account can be used to pay for a family visit or a Temporary Community Leave. Upon the inmate's incarcerated person's request, a hold will be placed on a specified portion of these funds to pay for the upcoming family visit or Temporary Community Leave. The inmate incarcerated person shall not use these designated funds for any other purpose other than the planned family visit or Temporary Community Leave. Should the family visit or Temporary Community Leave not take place then the hold previously placed on the funds shall be removed and no restitution deduction shall be made.

(j) If the family visit does not occur, then the funds provided by the family member and designated for the family visit on Form 1839 (Rev. ~~5/97~~07/24), shall have a permanent hold placed on them in the inmate's incarcerated person's trust account for a future family visit or until the inmate incarcerated person is released on parole. Should the inmate incarcerated person transfer to another institution, the hold shall be removed, the funds deposited into the inmate's incarcerated person's trust account, and no restitution deduction shall be made.

Subsections 3097(k) through 3097(l) remain unchanged.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 1243, 2085.5, 2700.1, 2717.8 and 5054, Penal Code; *People v. Chhoun* (2021) 11 Cal.5th 1; *Briggs v. Brown* (2017) 3 Cal.5th 808; 42 U.S.C.A. Section 407; and 38 U.S.C.A. Section 5301.

Section 3099 is amended to read:

3099. Inmate-Trust Account Interest.

(a) Beginning January 1, 2009, interest earned on ~~Inmate~~-Trust Account deposits shall be distributed to qualifying inmates' incarcerated persons' trust accounts based upon the average daily balance in their trust account. A qualifying inmate incarcerated person is one who has provided a Social Security Account Number or a Taxpayer ID Number and that number has been validated with either the Social Security Administration or Internal Revenue Service.

Subsection 3099(b) remains unchanged.

(c) ~~Inmate~~-Trust Account funds shall be deposited into an interest bearing account within the California State Treasury.

(d) The State Treasury account bears interest quarterly. Operational costs shall be deducted from the interest earned on that account prior to disbursement of the remainder to qualifying inmate trust accounts on a monthly basis. The interest rate paid to inmates incarcerated persons will be

determined by reducing the rate earned to a rate that will allow maximum distribution of available interest to qualifying ~~inmates~~ incarcerated persons. The rate paid will not exceed the rate earned.

(e) ~~Inmates~~ Incarcerated persons with validated U. S. Social Security Account numbers or validated Tax ID numbers shall be eligible to receive interest.

(f) ~~Inmates~~ Incarcerated persons who have received \$10 or more interest during a tax year shall have a Form 1099INT filed by CDCR.

Subsection 3099(g) remains unchanged.

(h) Costs for providing interest such as charges by Social Security Administration for validation of Social Security Numbers, cost of forms for reporting, and mailing costs will be deducted from the interest earned prior to distribution to ~~inmates~~ incarcerated persons.

(i) The balance of the interest earned is the amount remaining after distribution of whole penny increments plus interest earned on non-qualifying ~~inmate~~ trust accounts less cost of providing interest. The balance of interest earned remaining at the end of a fiscal year shall be deposited into the ~~Inmate-Incarcerated~~ Welfare Fund for the benefit of all ~~inmates~~ incarcerated persons.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5008 and 5054, Penal Code.

Article 2. Handicraft

Section 3100 is amended to read:

3100. Handicraft Program Participation.

Subsections 3100(a) through 3100(a)(4) remain unchanged.

(b) Only those ~~inmates~~ incarcerated persons in Privilege Groups A and B are eligible to apply for participation in the handicraft program and must submit CDCR Form 165 (Rev ^{7/95} 07/24), Application for Handicraft Privilege.

(c) Approval may be granted to those ~~inmates~~ incarcerated persons whom, in the judgement of the institution head or their designee, intend serious participation and have the skills or the potential and an interest to develop the skills required for the craft.

(d) The reason(s) for denying an ~~inmate~~ incarcerated person handicraft privileges shall be documented on Form 165 (Rev ^{7/95} 07/24), Application for Handicraft Privilege, and returned to the ~~inmate~~ incarcerated person with their application.

(e) An ~~inmate's~~ incarcerated person's right to own, sell or convey personal property, including all written and artistic material produced or created by that ~~inmate~~ incarcerated person shall be governed by Section 2601 of the Penal Code.

Subsections 3100(f) through 3100(g)(2) remain unchanged.

(3) The ~~inmate's~~ incarcerated person's loan request for the cost of materials exceeds the limit established by the institution head or their designee.

Subsection 3100(h) remains unchanged.

(i) ~~Inmates~~ Incarcerated persons shall not work on a project or participate in any other handicraft activity during their scheduled work/training assignment hours.

Subsection 3100(j) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2600, 2601, 5006 and 5054, Penal Code.

Section 3101 is amended to read:

3101. Volume.

~~Inmates~~ Incarcerated persons assigned to handicraft programs may possess handicraft articles and materials in their quarters/living area. Any authorized handicraft items in excess of six cubic feet of space shall be confiscated and disposed of in accordance with Section 3191(c).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

Section 3102 is amended to read:

3102. Suspension or Termination.

(a) Violation of institution handicraft procedures may result in the ~~inmate~~ incarcerated person being denied participation in the program. Such denial through disciplinary action will be for a specific period of time in keeping with the seriousness of the violation. Participation in handicraft programs or in specific handicraft projects may be terminated or suspended as a result of classification committee action which changes the ~~inmate's~~ incarcerated person's custodial classification, housing, or other circumstances which preclude handicraft or specific kinds of handicraft activity.

(b) Upon suspension or termination of handicraft through disciplinary action, classification committee action, or upon the ~~inmate's~~ incarcerated person's voluntary termination of handicraft activity, all personally-owned handicraft tools and materials will be placed in institution storage, or at the ~~inmate's~~ incarcerated person's option and own expense, shipped to any person designated by the ~~inmate~~ incarcerated person. If placed in institution storage, tools and materials will be returned to the ~~inmate~~ incarcerated person no later than the time of release from the institution.

Comment: Former DP-2203, suspension of privilege.

Section 3103 is amended to read:

3103. Gifts.

~~Inmates~~ Incarcerated persons may give gifts of handicraft items produced by themselves to any correspondent or visitor, subject to institution procedures for doing so. No limitation will be placed upon the number of gifts or estimated value of gifts that may be given in total or to any one person, except that no gift may be given to or be accepted by an employee of the Department of Corrections and Rehabilitation.

Comment: Former DP-2204, handicraft gifts.

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

Section 3104 is amended to read:

3104. Inmate Incarcerated Person Handicraft Sales.

Subsection 3104(a) remains unchanged.

(b) The sale price of handicraft items shall be set by the ~~inmate~~ incarcerated person. An additional 10 percent mark up shall be added to the price of all articles placed for sale.

(1) One percent of the mark up shall be given to the ~~inmate~~ incarcerated person for the purpose of refunding duplicate sales tax paid on raw materials used in the handicraft articles sold.

(2) Nine percent of the mark up shall be deposited into the ~~Inmate-Incarcerated~~ Welfare Fund for the purpose of offsetting administrative costs.

(c) ~~Inmate~~ Incarcerated person handicraft items shall not be sold or given to other persons for the purpose of resale, except as set forth in subsection (a).

Comment: Former DP-2205, dealing in handicraft.

Former DP-2206, sales of handicraft.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2812 and 2813, Penal Code.

Section 3105 is amended to read:

3105. Handicraft Program Assistance to Indigent ~~Inmates~~ Incarcerated Persons.

(a) The institution head or their designee may authorize loans from the ~~inmate~~ Incarcerated ~~Welfare~~ Fund (IWF) to help indigent ~~inmates~~ incarcerated persons, as defined in Section 3000, purchase materials for their initial or continued participation in the handicraft program. The institution head or their designee shall establish a limit on the dollar amount of IWF loans. A hold for the amount of the loan shall be placed on the trust account of such an ~~inmate~~ incarcerated person until the loan is fully repaid.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2813, 5006 and 5054, Penal Code.

Section 3106 is amended to read:

3106. Materials.

~~Inmates~~ Incarcerated persons must use only materials purchased from their own funds or approved for their use by the institution's designated supervisor of the handicraft program in the manufacture of handicraft articles.

Comment: Former DR-2201, source of handicraft materials.

Section 3107 is amended to read:

3107. Donating Items to the Institution.

~~Inmates~~ Incarcerated persons may donate handicraft items, articles, tools, and materials to the institution for use by other ~~inmates~~ incarcerated persons who are properly enrolled in approved handicraft programs. Such donations shall be recorded by the institution's supervisor of handicraft programs.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

Section 3108 is amended to read:

3108. Subcontracting.

(a) ~~Inmates~~ Incarcerated persons may not employ another ~~inmate or inmates~~ incarcerated person in the manufacture of any handicraft article.

(b) ~~Inmates~~ Incarcerated persons may collaborate in the manufacture of handicraft articles only with the prior and specific approval of the institution's designated supervisor of the handicraft program. All ~~inmates~~ incarcerated persons involved in such joint productions or creations shall be given recognition if the article is disposed of as a gift by or through the institution. If sold, all ~~inmates~~ incarcerated persons involved in its production or creation are to share in any profit as determined by the institution's supervisor of the handicraft program.

Comment: Former DR-2203, subcontracting handicraft production.

Article 3. Confidentiality and Privacy

Section 3120 is amended to read:

3120. ~~Inmate~~ Incarcerated Person Library Requirements.

(a) Each warden shall ensure a library, law library and related services are maintained for the benefit of all ~~inmates~~ incarcerated persons in their facility, including those ~~inmates~~ incarcerated persons confined to segregated housing units. A library access schedule shall be approved by the warden and posted throughout the facility.

(b) Material that contains any of the characteristics listed in sections 3006(a) and (c) shall be prohibited from ~~inmate~~ incarcerated person libraries unless specifically authorized by the institution head.

(c) To check out material from a library, each ~~inmate~~ incarcerated person shall:

Subsections 3120(c)(1) through 3120(c)(3) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601 and 5054, Penal Code; *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); and *Bounds v. Smith*, 97 S.Ct. 1491 (1977), 430 U.S. 817.

Section 3121 is amended to read:

3121. Library Restrictions and Penalties.

(a) No books or other reference material shall be removed from an ~~inmate~~ incarcerated person library without the librarian's authorization.

(b) Books or other library material checked out to an ~~inmate~~ incarcerated person shall not be loaned to or borrowed by another ~~inmate~~ incarcerated person, and shall be returned to the library as required.

(c) ~~Inmates~~ Incarcerated persons whose checked out library material is lost, damaged, or stolen shall be subject to disciplinary actions and may also be charged for the costs of repair or replacement of the material and may be denied or have restrictions placed upon their library privileges.

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

Section 3122 is amended to read:

3122. Inmate Incarcerated Person Law Library.

(a) Each facility shall provide legal materials through its law library to provide ~~inmates~~ incarcerated persons with meaningful access to the courts.

(b) ~~Inmates~~ Incarcerated persons who have established court deadlines may apply for Priority Legal User (PLU) status to the prison law libraries. ~~Inmates~~ Incarcerated persons who are granted PLU status based on their application shall receive higher priority to prison law library resources than other ~~inmates~~ incarcerated persons. All ~~inmates~~ incarcerated persons who are not on PLU status are on General Legal User (GLU) status.

(1) An established court deadline may be either a court imposed deadline for an active case or a statutory deadline. ~~Inmates~~ Incarcerated persons who apply for PLU status based on a court imposed deadline must show documentation from the court to verify that deadline. ~~Inmates~~ Incarcerated persons who apply for PLU status based on a statutory deadline must identify the legal rule that compels the deadline.

(2) An ~~inmate~~ incarcerated person who is represented by an attorney for a case shall not be eligible for PLU status for any established court deadline pertaining to that case. An ~~inmate~~ incarcerated person with attorney representation for the established court deadline shall be entitled to GLU status only.

(3) ~~Inmates~~ Incarcerated persons shall complete and sign a CDCR Form 2171 (Rev. ~~9/09~~07/24), Priority Library User (PLU) Request and Declaration, which is incorporated by reference, to apply for PLU status. The Form 2171 shall include check boxes for ~~inmates~~ incarcerated persons to designate their established court deadlines. The Form 2171 shall also include a check box for ~~inmates~~ incarcerated persons to confirm that they do not have attorney representation for their listed deadline.

(4) Except under extraordinary circumstances beyond staff control, law library staff shall have seven calendar days after receipt of the completed and signed Form 2171 to process an ~~inmate's~~ incarcerated person's application for PLU status and make a decision to approve or disapprove the application. Staff members who disapprove an ~~inmate's~~ incarcerated person's application shall provide the reasons for their disapproval on the form and shall provide a copy of that document to the ~~inmate~~ incarcerated person.

(5) An ~~inmate~~ incarcerated person who is found to have provided false information on ~~his or her~~ their application for PLU status shall be guilty of an administrative rule violation and shall not be able to obtain PLU status based on that application.

(6) An ~~inmate~~ incarcerated person may receive PLU status within 30 calendar days of ~~his or her~~ their established court deadline unless the ~~inmate~~ incarcerated person can demonstrate need for a longer period of PLU status based on extraordinary circumstances beyond the ~~inmate's~~ incarcerated person's control.

(7) PLU status is intended to assist ~~inmates~~ incarcerated persons to do legal work in a quiet law library setting. An ~~inmate~~ incarcerated person on PLU status who, while in the law library, is observed by staff to act in an unreasonably disruptive manner or to engage in non-legal work shall be removed from the PLU list and shall be dismissed from the library for that day. ~~Inmates~~

Incarcerated persons who are removed from the PLU list for these reasons shall be ineligible to reapply for PLU status for 30 calendar days, but may continue to use the law library on GLU status.

(c) Following initial classification and custody designation, condemned ~~inmates~~ incarcerated persons shall automatically be granted PLU status until the automatic appeal of the conviction resulting in the sentence of death is exhausted or the ~~inmate~~ incarcerated person is resentenced by a court to a term other than a death sentence. After exhaustion of the appeal or resentencing, section 3122(b) shall apply.

(d) ~~Inmates~~ Incarcerated persons may not in any way trade, transfer, or delegate their PLU status to other ~~inmates~~ incarcerated persons. An ~~inmate~~ incarcerated person who assists another ~~inmate~~ incarcerated person in the preparation of legal documents, as described in section 3163, may not use the PLU status of the ~~inmate~~ incarcerated person being assisted.

(e) An ~~inmate~~ incarcerated person in a facility without a law library and requesting access to such resources shall be transferred to a facility with a law library of departmental choosing for the period of time needed to complete legal work.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; and *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).

Section 3123 is amended to read:

3123. Access to Law Libraries.

Subsection 3123(a) remains unchanged.

(b) All ~~inmates~~ incarcerated persons, regardless of their classification or housing status, shall be entitled to physical law library access that is sufficient to provide meaningful access to the courts. ~~Inmates~~ Incarcerated persons on PLU status may receive a minimum of 4 hours per calendar week of requested physical law library access, as resources are available, and shall be given higher priority to the law library resources. ~~Inmates~~ Incarcerated persons on GLU status may receive a minimum of 2 hours per calendar week of requested physical law library access, as resources are available.

(c) When unable to physically access the law library, an ~~inmate~~ incarcerated person may request access to legal material through delivery of those materials to the ~~inmate~~ incarcerated person by library staff. This process is referred to as law library paging. An ~~inmate~~ incarcerated person shall not be limited to law library paging for access to legal materials except under extraordinary circumstances including, but not limited to, the following:

(1) The ~~inmate~~ incarcerated person is directly under a prison lockdown or modified program.

(2) The ~~inmate~~ incarcerated person is under restricted movement due to ~~his or her~~ their medical status.

(3) The ~~inmate~~ incarcerated person has been suspended from physical access to the law library pending investigation of a serious rule violation.

(d) Inmates Incarcerated persons who are limited to law library paging due to a lockdown or modified program shall, whenever possible, have their law library access restored within 16 calendar days unless a high security risk continues to exist to prohibit physical law library access.

(e) When inmates incarcerated persons are limited to law library paging for any reason as described in section 3123(c), law library staff must deliver the requested legal material to their cells as soon as possible, but no later than 16 calendar days from the date of the paging request.

(f) Disciplinary action for an inmate incarcerated person who is found to be guilty of a serious rule violation pertaining to law library resources, facilities, or staff may include a suspension of all physical law library access for up to 90 calendar days. This action does not preclude an inmate incarcerated person from pursuing legal research through the reasonable use of law library paging, beginning three calendar days after the date of suspension until the suspension period ends.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).

Section 3124 is amended to read:

3124. Content of Law Libraries.

(a) Each institution shall maintain at least one law library for the use of inmates incarcerated persons by means of the Law Library Electronic Delivery System (LLEDS). Except for items that are no longer published, the law library collection shall include, but shall not be limited to, the following legal materials, latest edition or update, or their equivalents from other publishers:

Subsections 3124(a)(1) through 3124(a)(27) remain unchanged.

(b) Each institution shall also make supplemental legal materials available to inmates incarcerated persons by means of the Law Library Electronic Delivery System (LLEDS). Except for items that are no longer published, the supplemental legal materials shall include, but shall not be limited to, the following legal materials or their equivalents from other publishers:

Subsection 3124(b)(1) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996); and *Bounds v. Smith*, 430 U.S. 817 (1977).

Article 4. Mail

Section 3130 is amended to read:

3130. General Policy.

The California Department of Corrections and Rehabilitation (CDCR) encourages correspondence between inmates incarcerated persons and persons outside the correctional facility. The sending

and receiving of mail by ~~inmates~~ incarcerated persons shall be uninhibited except as specifically provided for in this article. The Regulations contained in this article shall provide for the orderly processing of ~~inmate~~ incarcerated person mail and to give direction to staff, ~~inmates~~ incarcerated persons, and their correspondents concerning facility mail requirements. Mail shall be delivered to ~~inmates~~ incarcerated persons, regardless of housing, unless it is contraband pursuant to section 3006, or is disturbing or Offensive Correspondence pursuant to section 3135.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601(d) and 5054, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396.

Section 3131 is amended to read:

3131. Plan of Operation.

Each warden or head of a correctional facility shall prepare and maintain a plan of operation for the sending and receiving of mail for all ~~inmates~~ incarcerated persons housed in the facility. Procedures of the correctional facility shall conform to the policies, regulations and the provisions of law made reference to and shall apply to all ~~inmates~~ incarcerated persons of the facility. Correctional staff shall promptly inform each newly received ~~inmate~~ incarcerated person of all department regulations and local procedures governing ~~inmate~~ incarcerated person mail.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2080, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396.

Section is amended to read:

3132. Responsibility and Compliance.

(a) Correspondents are personally responsible for the content of each item of mail they send into or out of a correctional facility. All persons corresponding with ~~inmates~~ incarcerated persons must comply with existing laws, regulations and local rules. Any violation of laws governing mail will be referred to postal authorities and to appropriate criminal authorities. Violations of law, the policies and regulations set forth in this article, or of approved facility mail procedures may result in the temporary suspension or denial of correspondence between the persons involved.

(b) Departmental employees, ~~inmates~~ incarcerated persons and persons corresponding with ~~inmates~~ incarcerated persons must comply with the regulations set forth in this article and with approved facility mail procedures. Failure to do so may result in legal or administrative measures against the person or persons involved.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 2930, 5054 and 5058, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396.

Section 3133 is amended to read:

3133. Definitions and Disposition of Mail.

(a) Definitions:

(1) First-Class Mail is all mail wholly or partly in writing or typewriting, all actual and personal correspondence, all bills and statements of account, and all matter sealed or otherwise closed against inspection. The maximum weight for a First-Class letter is 13 ounces. All First-Class Mail shall be delivered to the ~~inmate~~ incarcerated person as soon as possible, but not later than seven calendar days from receipt of the mail at the facility mailroom.

Subsections 3133(a)(2) through 3133(a)(3) remain unchanged.

(4) Package Services are Parcel Post, bound Printed Matter, Media Mail, and Library Mail. With the exception of parole clothes and third party special purchase health appliances, ~~inmates~~ incarcerated persons shall not be allowed to receive package services directly from personal correspondents. Packages containing parole clothes or third party special purchase health care appliances must be clearly marked with either “Parole Clothes” or “Health Care Appliance” on the outside of the package. Personal correspondents do not include the Courts, Law Firms, County, State and Federal Agencies, Publishers, Bookstores, Book Distributors, Religious Organizations that provide written materials only, etc.

Subsection 3133(b) remains unchanged.

(1) All incoming mail shall be properly addressed. Appropriately addressed mail shall include the ~~inmate's~~ incarcerated person's name and department identification number. The mail should also include the address designated by the institution for ~~inmate~~ incarcerated person. The receiving institution is required to update any mail piece that does not reflect accurate housing or institutional location. Standard Mail must be addressed to an individual ~~inmate~~ incarcerated person, showing their name, CDCR number and the address for the applicable institution.

(2) All outgoing mail shall be properly addressed, and shall be marked indicating that it originated from a California State Correctional Facility. If addressed to an ~~inmate~~ incarcerated person, it must contain the sender's name, department identification number and the return address designated by the institution for ~~inmate~~ incarcerated person mail, including housing. It shall also contain the recipient's name, address, city, state, and zip code.

(3) All incoming packages and non-confidential mail addressed to an ~~inmate~~ incarcerated person will be opened and inspected before delivery to the ~~inmate~~ incarcerated person. The purpose of inspection will be to receive or receipt any funds enclosed for deposit to the ~~inmate's~~ incarcerated person's trust account, to verify and record the receipt of permitted personal property, and to prevent the introduction of contraband. All non-confidential ~~inmate~~ incarcerated person mail, incoming or outgoing, is subject to being read in its entirety by designated staff. All non-confidential ~~inmate~~ incarcerated person mail that is “returned to sender” shall be opened and inspected before being returned to the ~~inmate~~ incarcerated person.

Subsection 3133(b)(4) remains unchanged.

(c) Confidential Mail with ~~Inmate~~–Trust Account Withdrawals. ~~Inmate~~ Incarcerated person confidential mail submitted with a CDCR Form 193, ~~Inmate~~ Trust Account Withdrawal Order (Rev. ~~4/88~~ 07/24), to pay for filing fees or other costs may be left unsealed so that the voucher (check) can be enclosed after the trust account withdrawal has been processed. ~~Inmates~~ Incarcerated persons who do not wish to forward this type of mail unsealed should attach a stamped, appropriately addressed envelope to the confidential mail so the check can be enclosed and forwarded in the extra envelope.

(d) Undelivered Mail. All undelivered letters and packages returned to a facility by the post office shall be opened and inspected before being returned to the ~~inmate~~ incarcerated person. This inspection is to determine if the content originated with the ~~inmate~~ incarcerated person sender identified on the letter or package, and to prevent the transmission of contraband, material, substances, and property that an ~~inmate~~ incarcerated person is not authorized to possess in the correctional facility. The inspection of returned mail includes regular mail and letters that were

mailed as confidential correspondence. In the case of returned confidential correspondence, the envelope shall be opened in the presence of the inmate incarcerated person. It shall be examined and read to the degree necessary to determine if it was sent by the inmate incarcerated person and opened or tampered with before its return to the facility. Upon completion of this examination, the returned correspondence shall be given to the inmate incarcerated person. Any contraband found in the returned correspondence shall be confiscated and processed, and appropriate disciplinary action taken.

(e) Unmailed Correspondence. If any First-Class Mail is not accepted for mailing, or is accepted for mailing but is not properly mailed, the inmate incarcerated person shall be notified in writing of the reason for refusal to accept or to promptly mail the item(s). When the delay in mailing exceeds 5 business days, the notice shall be sent and include the disposition of such mail. Unless retention of such mail is required in administrative, legal, or disciplinary proceedings against the inmate incarcerated person or other persons, it shall be promptly mailed or returned to the inmate incarcerated person.

(f) Forwarding Mail. Mail received for an inmate incarcerated person who has been transferred from the facility where the mail is received shall be immediately forwarded to the facility or agency that has current custody of the inmate incarcerated person. Mail addressed to an inmate incarcerated person who has been transferred or released shall not be returned to the sender as “Addressee Unknown” unless the individual has been discharged from CDCR. First-Class Mail and Periodicals addressed to an inmate incarcerated person who has been transferred within the CDCR shall have a label affixed with the current address and shall be forwarded via the USPS. For inmates incarcerated persons who have paroled, the affixed label shall state “Paroled Region # ___”, and shall show that Parole Regions' address. Standard Mail with a “Mailer Endorsement” that was appropriately addressed, but is undeliverable because the inmate incarcerated person is no longer housed at the facility, shall be returned to the USPS for processing. Mailroom staff shall affix a label to the Standard Mail piece showing the correct address before returning it to the USPS for processing. For inmates incarcerated persons who have paroled, the label affixed to the Standard Mail piece shall state “Paroled Region # ___” and shall show that Parole Regions' address. The Mailer Endorsement will appear either near the address block or below the return address in the top left corner of the mail piece. A Mailer Endorsement may read “Address Service Requested”, or “Forwarding Service Requested”, or “Change Service Requested”, or “Return Service Requested”. Staff may dispose of any Standard Mail piece that does not have a Mailer Endorsement, and is undeliverable because the inmate incarcerated person is not currently housed at the institution. Daily newspapers that are delivered by courier will not be forwarded nor will they be held for an inmate incarcerated person who is temporarily away from the facility for longer than 72 hours. Exceptions will be made when the absence results from the inmate's incarcerated person's participation in facility approved activities such as a community release program, firefighting or other disaster control assignments. Newspapers that are delivered by the USPS will have a forwarding address affixed and shall be returned to the USPS for processing.

(g) Forwarding Confidential Correspondence. All confidential correspondence for inmates incarcerated persons that must be forwarded will be done on a daily basis. If delivery of confidential correspondence from the courts is impeded because the addressee's name and CDCR number do not conform to each other, the mailroom will contact the Litigation Coordinator who will telephone the court to clarify the identification of the addressee in order to expedite delivery

of confidential correspondence. Staff will document their efforts to identify the addressee when confidential correspondence from the courts cannot be delivered.

(h) Temporary Absence. Mail shall be held for an ~~inmate~~ incarcerated person who is temporarily away from the facility when the ~~inmate's~~ incarcerated person's return is anticipated within one week.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procunier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct 1861.

Section 3134 is amended to read:

3134. General Mail Regulations.

Subsections 3134(a) through 3134(a)(10) remain unchanged.

(11) Forty postage stamps. If there is a rate change, then forty stamps at the old rate, and 40 stamps at the amount needed to equal the new rate. No personalized postage stamps will be allowed.

The weight limit for First-Class Mail is 13 ounces, and for Standard Mail is 16 ounces. Photo albums can be obtained by the ~~inmate~~ incarcerated person from the canteen and the Vendor Package Program. Any unacceptable mail shall be immediately returned to the sender with the envelope annotated "Unauthorized Mail, Return to Sender". ~~Inmates~~ Incarcerated persons shall be noticed pursuant to section 3136.

Subsections 3134(b) through 3134(c) remain unchanged.

(1) Facilities will establish and make available to all ~~inmates~~ incarcerated persons procedures for shipping packages to their correspondents.

(2) Facilities will make available to all ~~inmates~~ incarcerated persons local procedures for the receipt of packages from their correspondents in accordance with limits set for their assigned ~~inmate~~ incarcerated person work/training incentive group. A facility may refuse to deliver the package if the ~~inmate~~ incarcerated person is not qualified to receive it. If the package is in excess of the 30-pound limit, or is damaged, the package shall be returned to the vendor at the vendor's expense.

(3) All incoming packages addressed to an ~~inmate~~ incarcerated person shall be opened and inspected in the presence of the ~~inmate~~ incarcerated person. The contents of the package are inspected to record authorized personal property, and to prevent the introduction of contraband.

(4) Delivery by staff of packages, special purchases, and all publications, shall be completed as soon as possible but not later than 15 calendar days, except during holiday seasons such as Christmas, Easter, and Thanksgiving, and during lockdowns or modified programs of affected ~~inmates~~ incarcerated persons.

Subsection 3134(c)(5) remains unchanged.

(d) Contests. ~~Inmates~~ Incarcerated persons shall not participate in any contest when a financial obligation is involved or when such participation shall result in expense to the facility beyond the cost of processing mail. If lottery tickets, lottery scratchers, or other contest materials, are discovered in incoming mail, the entire envelope and its contents shall be returned to sender with a pre-printed notice to the sender which states: "Unauthorized item".

(e) Inmate Incarcerated Person Manuscripts. Manuscripts include, but are not limited to, written, typed or printed articles of fiction and nonfiction, poems, essays, gags, plays, skits, paintings, sketches, drawings, or musical compositions created by an inmate incarcerated person. Any manuscript remains the property of the inmate incarcerated person who created it. It may be retained in the inmate's incarcerated person's possession, unless it violates sections 3006 or 3135. If unauthorized state materials have been used in the creation of a manuscript, the item shall be confiscated pending disciplinary action and reimbursement by the inmate incarcerated person for the state materials. Incoming and outgoing manuscripts shall be processed as regular mail in accordance with the provisions of this article.

(f) There shall be no limitations placed on the number of persons with whom an inmate incarcerated person may correspond.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procunier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct. 1861.

Section 3134.1 is amended to read:

3134.1. Processing of Publications.

(a) Publications. Inmates Incarcerated persons may subscribe to, purchase, or have items sent in to them such as newspapers, periodicals, magazines or books. If subscriptions or books are purchased for the inmate incarcerated person by a third party or donated to an inmate incarcerated person, they must be mailed directly from a book store, book distributor, or publisher. Personal correspondents cannot mail books, periodicals, or other publications directly to inmates incarcerated persons and state that they are a donation. There shall be no "Approved Vendor Lists" for any publications.

(b) Processing and Inspection of Incoming Magazines and Newspapers. All magazines and newspapers shall be inspected prior to issuance to ensure that they comply with sections 3006, 3134, and 3135. Attached free CD's and packaged samples of perfume, lotion, moisturizers, stickers, or any item deemed to be contraband, contained in magazines shall be removed; notification of such to the inmate incarcerated person is not required. No other items shall be removed from a magazine or other publication in order to issue it to an inmate incarcerated person.

(c) Processing and Inspection of Incoming Books. All incoming paperback and hardback books and any enclosures within them shall be inspected prior to issuance to ensure they comply with sections 3006, 3134, and 3135. For hardback books staff shall allow the inmate incarcerated person to determine whether to accept the book with the cover removed or, if that option is declined, decide how the book is to be disposed of per section 3191(c). If the inmate incarcerated person chooses to accept the book, staff shall insure the book does not violate any other departmental regulation, and then shall remove the entire cover in front of the inmate incarcerated person. Should such removal render the book unstable, staff shall take measures to ensure the book remains intact.

(d) Notifications, to Publisher, to the Inmate Incarcerated Person, and to the Division of Adult Institutions (DAI) for Disapproval of Publication. When incoming books, magazines, or publications to an inmate incarcerated person are withheld or disallowed on a temporary basis by the institution pending approval from DAI, a letter shall be sent by the institution to the publisher explaining why the item was denied. A book, magazine, or publication denied to an inmate(s) incarcerated person(s) based on a violation of departmental regulation or policy, and that is not

included on the current Centralized List of Disapproved Publications (Centralized List) pursuant to subsection 3134.1(e), shall only require one notification letter per institution to be sent to the publisher. At a minimum the letter must include the reason why the book, magazine, or publication was denied, the names and CDCR number for all ~~inmates~~ incarcerated persons, the applicable CCR section that the publication violates, and a notice to the Publisher of their right to appeal pursuant to subsection 3137(c). The letter must be sent within 15 calendar days of the determination to disallow the book, magazine or publication, with a copy of the notification letter and supporting documents to be retained by the facility for a minimum of seven years. Concurrent to the letter to the publisher, when incoming or outgoing publications addressed to or being sent by an ~~inmate~~ incarcerated person are withheld or disallowed, the institution shall also notify the ~~inmate~~ incarcerated person addressee via CDCR Form 1819 (Rev. ~~07/18~~07/24), Notification of Disapproval-Mail/Packages/Publications, which is incorporated by reference. The CDCR Form 1819 shall include the reason, disposition, name of official disallowing the publication, and the name of the official to whom a grievance can be directed.

The institution shall also concurrently notify DAI and request that DAI affirm or deny the withholding of the temporarily disallowed publication. DAI shall provide the decision within 30 calendar days of receiving the request. If DAI affirms the withholding of the publication, disallowance of the publication shall become permanent. If DAI denies the withholding of the publication, the institution shall deliver the publication to the ~~inmate~~ incarcerated person within 15 calendar days, upon receipt of DAI's decision.

For periodicals, as defined in subsection 3133(a)(3), the DAI may include a periodical on the Centralized List, in accordance with subsection 3134.1(e), provided that all issues of the publication for twelve consecutive months violate departmental regulation or policy. However, an institution may disallow individual issues of a periodical in accordance with this subsection. The disallowance of individual issues of a periodical shall become permanent, as to those issues only, if DAI affirms an institution's decision to temporarily withhold or disallow the individual issues. If the DAI denies the institution's decision to temporarily withhold individual issues of a periodical, the institutional shall deliver those issues to the ~~inmate~~ incarcerated person within 15 calendar days upon receipt of DAI's decision.

Subsection 3134.1(e) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procunier v. Martinez* (1974) 416 U.S. 396; and *Bell v. Wolfish* (1979) 441 U.S. 520.

Section 3135 is amended to read:

3135. Disturbing or Offensive Correspondence.

Subsections 3135(a) through 3135(c)(14) remain unchanged.

(d) ~~Inmates~~ Incarcerated persons shall not possess or have under their control obscene material and/or mail containing information concerning where, how, or from whom obscene material may be obtained. Obscene material means catalogs, advertisements, brochures, and/or material taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest. It is material which taken as a whole, depicts sexual conduct, and lacks serious literary, artistic, political, or scientific value. Additionally, material is considered obscene when it appears from the nature of the matter or the circumstances of its dissemination, distribution or

exhibition that it appeals to deviant sexual groups. Material subject to the test of the above includes, but is not limited to, pictures or images that depict:

Subsections 3135(d)(1) through 3135(d)(7) remain unchanged.

(e) If the receiver of any mail, confidential or nonconfidential, directs a written complaint to administrative staff of the department or to facility officials, consideration will be given to any reasonable remedy sought by the individual. This may include discussion of the complaint with the inmate incarcerated person in an attempt to resolve the matter, reading of all mail, including confidential mail, addressed to the individual, and either disallowing only that which appears to perpetuate the problem, or disallowing all mail to the individual. Complaints and requests for actions which would, if approved, restrict an inmate's incarcerated person's correspondence, and any action taken in response to such complaints or requests, will be fully documented on a CDC Form 128B (Rev. 4-74). The inmate incarcerated person shall receive a copy of the documentation and the original shall be placed in the inmate's incarcerated person's C-file.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code; and *Procurier v. Martinez*, 416 U.S. 396.

Section 3136 is amended to read:

3136. Disapproval of Inmate Incarcerated Person Mail.

(a) Disapproval of inmate incarcerated person mail that is in clear violation of CCR sections 3006 or 3135 shall be referred to staff not below the level of Captain for determination and appropriate action. Disapproval of inmate incarcerated person mail that is not in clear violation of CCR sections 3006 or 3135 shall be referred to the Warden, but not lower than the Chief Deputy Warden, for determination and appropriate action. When incoming or outgoing mail, packages, or publications addressed to or being sent by an inmate incarcerated person are withheld or disallowed, the inmate incarcerated person shall be informed via CDCR Form 1819 (Rev. 07/1807/24), Notification of Disapproval-Mail/Packages/Publications, of the reason, disposition, name of official disallowing the mail/package/publication, and the name of the official to whom a grievance can be directed.

(b) When inmate incarcerated person mail is disapproved based on the criteria established in this section, a copy of the CDCR Form 1819 and the supporting document(s) shall be retained by each facility for a minimum of seven years.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601(d), Penal Code.

Section 3137 is amended to read:

3137. Appeals and Complaints Relating to Mail and Correspondences.

(a) Inmates Incarcerated persons, their correspondents, and publishers may file a complaint regarding departmental rules, regulations, policies, approved facility procedures and their application relating to mail and correspondence.

(b) Inmates Incarcerated persons shall use the established administrative remedies procedures as provided in section 3480, et seq. An inmate's incarcerated person's submittal of a grievance within 30 calendar days of a notice that mail is being designated as undelivered will postpone any

disposition of the mail until the administrative remedies procedure is completed. The final decision rendered in the administrative remedies procedure shall determine disposition of mail.

(c) Persons other than ~~inmates~~ incarcerated persons should address any complaint relating to department policy and regulations to the Director of the Division of Adult Institutions (DAI). Complaints relating to a specific facility procedure or practice should be addressed in writing to the Warden, or Associate Director of the facility where the issue arises. A written response shall be provided within 15 working days. Complaints that are not satisfactorily resolved at this level may be forwarded in writing to the Director of the DAI who shall provide a written response within 20 working days.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code; and *In re Muszalski*, 52 Cal. App. 3rd 500.

Section 3138 is amended to read:

3138. Indigent ~~Inmates~~ Incarcerated Persons.

(a) Upon the request of an indigent ~~inmate~~ incarcerated person, as defined in Section 3000, writing paper, envelopes, a writing implement, and the postage required for five 1-ounce First-Class letters per week shall be supplied. ~~Inmates~~ Incarcerated persons are not allowed to trade, transfer, or swap indigent ~~inmate~~ incarcerated person supplies with another ~~inmate~~ incarcerated person.

(b) Except as provided in subsection 3138(h) for mail to the courts or to the Attorney General, indigent ~~inmates~~ incarcerated persons may request to mail any type of correspondence that weighs more than one ounce. Indigent ~~inmates~~ incarcerated persons must relinquish the appropriate number of indigent envelopes to either their assigned Correctional Counselor or housing unit staff with the item to be mailed. If the item to be mailed weighs more than five ounces, the indigent ~~inmate~~ incarcerated person must relinquish all five indigent envelopes. Staff must forward the indigent envelopes with the item to be mailed to the mailroom with the notation that it is to be mailed for the indigent ~~inmate~~ incarcerated person. In order to facilitate this mailing, if requested, staff shall provide the indigent ~~inmate~~ incarcerated person with one appropriately sized envelope.

Subsection 3138(c) remains unchanged.

(d) Indigent envelopes issued to an ~~inmate~~ incarcerated person become their property. The ~~inmate~~ incarcerated person shall be allowed to utilize the envelopes regardless of current financial status. A charge shall not be placed against future deposits to the ~~inmate's~~ incarcerated person's trust account to recover the cost of materials and postage provided, while the ~~inmate~~ incarcerated person was indigent.

(e) All ~~inmate~~ incarcerated person requests for indigent envelopes shall be authorized by the ~~Institutional Inmate Trust Account~~ Office.

(f) Any ~~inmate~~ incarcerated person attempting to use a State issued envelope intended for another ~~inmate~~ incarcerated person who is indigent shall receive progressive discipline pursuant to CCR section 3312.

(g) Indigent ~~inmates~~ incarcerated persons desiring to correspond with their attorney or any other confidential correspondent shall be required to utilize their weekly allotment of indigent supplies to send such correspondence.

(h) In addition to indigent writing supplies and postage for the five (5) one (1) ounce letters per week, indigent ~~inmates~~ inmates incarcerated persons shall have free and unlimited mail to any court or the Attorney General's Office.

(1) Upon request, institutions shall also provide indigent ~~inmates~~ inmates incarcerated persons free copying of the legal documents limited to the number of copies of a document required by the court, plus one copy for the opposing party and one copy for the ~~inmate's~~ inmate's incarcerated person's records.

Subsection 3138(h)(2) remains unchanged.

(3) A charge shall not be placed against future deposits to the ~~inmate's~~ inmate's incarcerated person's trust account to recover the cost of materials, copying and postage provided, while the ~~inmate~~ inmate incarcerated person was indigent.

(i) Each institution shall establish local procedures for the issuance of writing supplies to indigent ~~inmates~~ inmates incarcerated persons.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procurier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct. 1861.

3139 is amended to read:

3139. Correspondence Between ~~Inmates~~ Inmates Incarcerated Persons, ~~Parolees~~ Supervised Persons, and ~~Probationers~~ Persons on Probation.

(a) ~~Inmates~~ Inmates Incarcerated persons shall obtain written authorization from the Warden/Regional Parole Administrator or their designee/assigned probation officer, person in charge of the County Jail and/or other State Correctional Systems, at a level not less than Captain or Parole Agent III, to correspond with any of the following:

(1) ~~Inmates~~ Inmates Incarcerated persons under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.

Subsection 3139(a)(2) remains unchanged.

(3) ~~Persons on parole~~ Supervised persons or civil addict outpatient status under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.

(4) ~~Persons on probation.~~

(b) ~~Inmates~~ Inmates Incarcerated persons may initiate requests to correspond with the above by contacting their Correctional Counselor I (CCI). ~~Parolees~~ Supervised persons may initiate request by contacting their Parole Agent (PA).

~~Inmates~~ Inmates Incarcerated persons may be allowed to correspond with the persons described in subsections 3139(a)(1) through (4) provided those persons meet the criteria of approval of no known STG affiliation, or involvement with a known terrorist group or racketeering enterprise.

(c) The CCI/PA shall interview the ~~inmate/parolee~~ inmate/parolee incarcerated/supervised person and/or review their C-file/Field File to obtain the information required to process an ~~inmate's~~ inmate's incarcerated person's Request for Correspondence Approval, CDC Form 1074 (Rev. 08/87). If an ~~inmate's~~ inmate's incarcerated person's request to correspond with another ~~inmate/parolee~~ inmate/parolee incarcerated/supervised person is denied, the CCI/PA shall advise the ~~inmate~~ inmate incarcerated person in writing.

(1) When reviewing the initiating ~~inmates~~ inmate's incarcerated person's C-file, staff shall ascertain whether prior approval exists. If prior approval exists, a copy of the previously approved CDC Form 1074 shall be forwarded to both institutional mailrooms.

(2) When an initiating ~~inmate's~~ inmate's incarcerated person's request to correspond with another ~~inmate~~ inmate incarcerated person meets the criteria for approval per section 3139(b), and no prior approval exists, the CCI/PAI shall ensure that a CDC Form 1074 is completed.

Subsections 3139(c)(3) through 3139(c)(4) remain unchanged.

(5) Copies/photocopies shall not be delivered to the requested ~~inmate~~ inmate incarcerated person, the receiving institutions mailroom, or the housing unit.

(6) Upon receipt of the disapproved CDC 1074, staff at the sending institution/field office shall ensure that the 2nd page is returned to the initiating ~~inmate~~ inmate incarcerated person.

Subsections 3139(c)(7) through 3139(c)(9) remain unchanged.

(10) When a CDCR ~~inmate~~ inmate incarcerated person requests to correspond with an ~~inmate~~ inmate incarcerated person in a county, state, or federal facility, or if the request is from a county, state, or federal ~~inmate~~ inmate incarcerated person, the CCI shall ensure that a CDC Form 1074 is completed along with a cover letter that thoroughly explains the need for the CDC Form 1074. If the request is denied, the CCI shall ensure that a letter is forwarded to the requesting agency thoroughly explaining the denial.

(d) There shall be no limits set on the number of times approved ~~inmates/parolees/probationers~~ inmate's/parolee's/probationer's incarcerated persons/supervised persons/persons on probation can correspond with one another unless revoked. The approval to correspond may be revoked due to disciplinary violations involving correspondence between the ~~inmates/parolees~~ inmate's/parolee's incarcerated/supervised persons or as a result of a classification action based on safety and security. Any such restriction, or revocation of approval, shall be communicated to ~~inmate(s)/parolee(s)~~ inmate(s)/parolee(s) incarcerated/supervised person(s), and to the warden(s)/parole administrator(s) of the institution/facility where the ~~inmate(s)/parolee(s)~~ inmate(s)/parolee(s) incarcerated/supervised person(s) are housed.

(e) Wardens at institutions where there are Restricted Housing Units (RHU) shall outline in their local procedure any further restrictions on correspondence due to safety and security concerns, limited to those specific housing units.

(f) The most restrictive a facility can be with respect to ~~inmate~~ inmate incarcerated person mail privileges is to limit correspondence between ~~inmates~~ inmate's incarcerated person's to only the following:

Subsections 3139(f)(1) through 3139(f)(2) remain unchanged.

(3) Incarcerated natural parent of the ~~inmate's~~ inmate's incarcerated person's child.

A facility may not restrict mail privileges between an ~~inmate~~ inmate incarcerated person and any of the above three types of correspondents, unless the ~~inmate~~ inmate incarcerated person or the correspondent violates section 3006 or other CCR section.

Subsection 3139(g) remains unchanged.

(h) If an ~~inmate's~~ inmate's incarcerated person's transfer is based on case factors that create security concerns, such as, but not limited to, placement in a RHU a reexamination by committee of all

approved correspondence shall be conducted. The CCI shall review and recommend to committee whether to continue approval of the correspondence.

(i) If an institution/parole office receives mail from an unapproved ~~inmate/parolee~~ incarcerated/supervised person correspondent, staff shall mark the envelope with “Not an Approved Correspondent” or equivalent language and return it to the sender.

(j) ~~Inmates~~ Incarcerated persons confined in departmental facilities may correspond with former ~~inmates~~ incarcerated persons. Prior approval of the warden, superintendent, or person in charge of the correctional facility is required if the person was discharged from a facility within the past twelve months.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procurier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct 1861.

Section 3140 is amended to read:

3140. Funds Enclosed in Correspondence.

(a) Funds may be mailed to an ~~inmate~~ incarcerated person in the form of a money order, cashier's check, certified check, personal check, or any other negotiable instrument except cash and traveler's checks.

(1) The personal check, money order, cashier's check, certified check, or any other negotiable instrument shall be made payable to the California Department of Corrections and Rehabilitation with the ~~inmate's~~ incarcerated person's last name and departmental identification number. This information, along with the sender's name and address, shall be on the face of the negotiable instrument.

(2) Funds from other ~~inmates/parolees~~ incarcerated/supervised persons shall be only accepted from approved correspondents, pursuant to section 3139, who are members of the same family, or the parent of the ~~inmate's~~ incarcerated person's child(ren).

(3) Funds received in the mail shall be removed from the envelope by mailroom staff, and the envelope shall be imprinted with a stamp that reads “Funds Enclosed.” The date, amount, and initials of the person processing the funds shall be recorded on the envelope before it is forwarded to the ~~inmate~~ incarcerated person. The stamped envelope is the ~~inmate's~~ incarcerated person's receipt for the funds.

(4) Cash received in incoming mail will be returned to the sender. Mailroom staff shall notify the ~~inmate~~ incarcerated person in writing, informing them that cash was received and will be returned to sender. The envelope containing the cash and two copies of the memo will be forwarded to the ~~Inmate~~-Trust Office to be returned to the sender.

(5) If a personal check, money order, cashier's check, certified check, or any other negotiable instrument is received in the mailroom and it does not contain the sender's name and address on its face, it will be considered contraband per section 3006, and will be disposed of in accordance with section 3191(c). The negotiable instrument will be held in the Trust Office safe for thirty days while the ~~inmate~~ incarcerated person is contacted in regards to the disposition of the contraband, in accordance with section 3191(c).

(6) Mailroom staff shall arrange the day's remittances in numerical order. The remittances shall be listed in sequence on the report of collections. This report shall include each ~~inmate's~~ incarcerated

person's name, departmental identification number, type of payment, amount, and the total received.

(b) Generally, ~~inmates~~ incarcerated persons are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration, Veteran Affairs Benefits, or Welfare checks from the California Department of Social Services/County Welfare agencies. Depending upon eligibility, ~~inmates~~ incarcerated persons may be allowed to receive tax refund checks.

(1) A facility representative shall be appointed by the Associate Warden, Business Services, to assist outside agencies in determining an ~~inmate's~~ incarcerated person's eligibility.

(2) Mailroom staff shall deliver all received SSI, Veteran Affairs Benefits, and/or welfare and/or tax refund checks to the ~~Inmate~~-Trust Office. The Accounting Officer shall notify the facility representative that checks are being held pending determination of eligibility of the ~~inmates~~ incarcerated persons to receive the checks. The facility representative shall notify the appropriate agency.

Subsection 3140(b)(3) remains unchanged.

(c) When a U.S. Government check is received for an ~~inmate~~ incarcerated person who is deceased or discharged from CDCR, the check and envelope shall be returned to the sending agency with the necessary information shown as to the ~~inmate~~ incarcerated person being deceased or discharged.

(1) If an ~~inmate~~ incarcerated person has been transferred to another facility, the check shall be forwarded including a note requesting the ~~inmate~~ incarcerated person to notify the state or federal agency of their change of address.

(2) Mail received for ~~inmates~~ incarcerated persons who have been paroled shall be forwarded to the office of the parole region to which the ~~inmate~~ incarcerated person was released, or if unable to locate the ~~parolee~~ supervised person, the check should be returned to the originating state or federal agency.

(d) Funds shall not be released for spending by the ~~inmate~~ incarcerated person for thirty (30) days from the date of deposit into the ~~inmate~~ trust account and must have cleared the bank upon which they were drawn. When any personal check, money order, cashier's check, certified check, or any other negotiable instrument is received, the face of the envelope in which the funds were received shall be imprinted with a stamp indicating the funds have been accepted at this time. This stamp is not intended to indicate that the funds are immediately available for ~~inmate~~ incarcerated person use, but only that the funds were accepted for processing by the department.

Subsection 3140(e) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

Section 3141 is amended to read:

3141. Confidential Correspondence.

Subsections 3141(a) through 3162(b) remain unchanged.

(c) Persons and employees of persons with whom ~~inmates~~ incarcerated persons may correspond confidentially and from whom ~~inmates~~ incarcerated persons may receive confidential correspondence include:

Subsections 3141(c)(1) through 3141(c)(2) remain unchanged.

(3) All city, county, state and federal officials having responsibility for the ~~inmate's~~ incarcerated person's present, prior or anticipated custody, parole or probation supervision.

Subsections 3141(c)(4) through 3141(d) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; *In re Jordan*, 12 CA 3rd 575 (1974); and *King v. Borg*, USDC-ED Case No. CIV. S-87-0519 LKK/PAN/P.

Section 3142 is amended to read:

3142. Processing of Outgoing Confidential Mail.

In order to be accepted and processed as confidential correspondence, an ~~inmate's~~ incarcerated person's letter shall comply with the following requirements:

Subsection 3142(a) remains unchanged.

(b) The ~~inmate's~~ incarcerated person's full name, department identification number, and the address of the facility shall be included in the return address appearing on the outside of the envelope.

(c) The word “confidential” shall appear on the face of the envelope. Failure to do this will result in the letter being processed as regular mail or being returned to the ~~inmate~~ incarcerated person if for any reason the mail cannot be processed as regular mail.

(d) ~~Inmates~~ Incarcerated persons shall post confidential mail by presenting the mail unsealed to designated staff. In the presence of the ~~inmate~~ incarcerated person, the staff shall remove the contents of the envelope upside down to prevent reading of the contents. Staff shall remove the pages and shake them to ensure there is no prohibited material, consistent with these regulations. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.

(e) If prohibited material is found in the confidential mail, the prohibited material shall be confiscated; however, the letter may be returned to the ~~inmate~~ incarcerated person or mailed following the process outlined above. If the prohibited material indicates a violation of the law or intent to violate the law, the matter may be referred to the appropriate authorities for possible prosecution. Administrative and/or disciplinary action shall also be taken against all parties involved.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

Section 3143 is amended to read:

3143. Processing Incoming Confidential Mail.

Introductory language remains unchanged.

(a) Designated staff shall open the letter in the presence of the addressed ~~inmate~~ incarcerated person at a designated time and place. Staff shall not read any of the enclosed material. Staff shall remove the pages and shake them to ensure the absence of prohibited material.

(b) ~~Inmates~~ Incarcerated persons shall sign for all confidential mail at the time of delivery. This shall be accomplished by use of a permanent logbook or use of receipts. If receipts are used, the receipts shall be forwarded to the mailroom for filing. The log book at a minimum must record the date of delivery, the ~~inmate's~~ incarcerated person's name and departmental identification number, and the senders name and address.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

Section 3144 is amended to read:

3144. Inspection of Confidential Mail.

Confidential mail will be opened and inspected for contraband in the presence of the ~~inmate~~ incarcerated person addressee. Inspecting correctional officials will not read any of the contents of the confidential mail. Confidential mail may be further inspected, for cause only.

(a) Cause may include, but is not limited to, the reasonable belief by correctional officials that the letter is not addressed to or is not from an official or office listed in Section 3141 or when other means of inspection indicates the presence of physical contraband in the envelope. In such instances the mail will be opened in the presence of the ~~inmate~~ incarcerated person for determination.

Subsection 3144(b) remains unchanged.

(1) A first offense of a non-serious mail rule violation of the department's mail regulations shall result in a written warning or up to a six-month suspension of the attorney's confidential mail privileges. A non-serious mail violation means a violation of the ~~inmate~~ incarcerated person regulations that is not chargeable as a felony but is nevertheless unlawful, such as an enclosure of contraband into the confidential mail, or a misrepresentation of the sender or addressee's identity.

Subsections 3144(b)(2) through 3144(c) remain unchanged.

(1) When the prohibited material or misrepresentation of identity indicates a violation of the law or an intent to violate the law, the matter will be referred to the appropriate criminal authorities for possible prosecution. Any case referred to criminal authorities will be reported to the Director of the DAI. When a case is referred to criminal authorities and the determination is made not to prosecute, the fact of the referral and the determination made will be reported to the ~~inmate~~ incarcerated person and to the ~~inmate's~~ incarcerated person's correspondent. The Director of the DAI will be informed of the outcome of all referrals to criminal authorities.

(2) When an ~~inmate's~~ incarcerated person's action or complicity indicates a violation of law; the regulations set forth in this article; or approved facility mail procedures; the matter may also be handled by appropriate disciplinary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code; and *Wolff v. McDonald*, 94 S. Ct. 2963 (1974).

Section 3145 is amended to read:

3145. Enclosures in Confidential Mail.

When the inspection of confidential correspondence discloses written or printed enclosures, the enclosures will be treated in the same manner as confidential correspondence. The ~~inmate~~

incarcerated person will not be given the enclosures or be allowed access to the enclosures except as authorized in the following subsections:

(a) The inmate incarcerated person may consent to an immediate examination of the enclosure by staff who issues mail. Such examination will be limited to the extent necessary to determine if the enclosure may be safely admitted into the facility under the standards of Penal Code Section 2601. The conclusion of the examiner will be written on the enclosure, and be dated and signed by the examiner. If the enclosure can be safely admitted into the facility, it will be given to the inmate incarcerated person. If in the examiner's opinion the enclosure does not meet the standards of Penal Code Section 2601 and cannot be safely admitted into the facility, it will be referred to staff at not less than the Correctional/Facility Captain level, for final determination. If not released to the inmate incarcerated person at this level, the inmate incarcerated person will be allowed access to the enclosure only as authorized in subsection (b).

(b) The inmate incarcerated person may decline to consent to examination of enclosures in confidential mail by any staff. When this occurs, the enclosure will be immediately placed in a separate envelope and the envelope will be sealed in the presence of the inmate incarcerated person. The separate envelope will, at the inmate's incarcerated person's choosing, be returned to the sender with the mailing cost charged to the inmate's incarcerated person's trust account, or disposed of pursuant to section 3191(c). The inmate incarcerated person is entitled to keep the letter or correspondence and the envelope it came in.

(c) Any person who examines the content of mail under the authority of this article or in connection with an appeal by an inmate incarcerated person of a ruling under this article, must keep the content of the material which was examined in strict confidence. No original, copy, excerpt, or summary of personal correspondence to or from an inmate incarcerated person shall be made or be placed in an inmate's incarcerated person's C-file unless such correspondence is or has been the subject of:

(1) Legal, disciplinary, criminal investigation, or casework determination and actions affecting the inmate incarcerated person.

(2) When the recipient of an inmate's incarcerated person's disturbing or offensive mail corresponds with the facility and requests administrative action, subject to section 3135.

(3) If an inmate incarcerated person requests that a copy of personal correspondence be placed in their C-file and the inmate's incarcerated person's caseworker deems it appropriate to do so based on the relationship of the correspondence to the inmate's incarcerated person's incarceration.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2600, Penal Code; and *In re Jordan*, 12 CA 3rd 575 (1974).

Section 3146 is amended to read:

3146. Mail in Languages Other Than English.

Mail may be subject to a delay for translation of its contents by staff. When such delay exceeds normal mail processing by five business days, the inmate incarcerated person shall be notified in writing of the delay, the reason for the delay, and subsequent determinations and actions regarding that item of mail. If staff are unable to translate the letter and its contents within 20 business days of notice to the inmate incarcerated person, then the letter shall be delivered to the inmate incarcerated person untranslated.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code.

Article 5. Inmate Incarcerated Person Manuscripts

Section 3151 is amended to read:

3151. Possession.

Any manuscript as defined in section 3000 remains the property of the inmate incarcerated person who created it. It may be retained in the inmate's incarcerated person's possession except as otherwise described in section 3152.

Comment: Former DP-2502, possession of manuscripts.

Section 3152 is amended to read:

3152. Unauthorized or Dangerous Material.

(a) If unauthorized state materials have been used in the creation of a manuscript, the item may be impounded pending disciplinary action and reimbursement by the inmate incarcerated person for materials used.

(b) An inmate incarcerated person will not be permitted to retain in ~~his or her~~ their personal possession manuscripts which violate the provisions of Section 3006. Any such manuscript will be confiscated and disposed of in accordance with the provisions of Section 3006(c), or providing there is no conflict with the regulations governing mail and handicraft as set forth in Subchapter 1, Articles 2 and 4 of these regulations, the manuscript and related material may be sent to a person outside the correctional facility as designated by the inmate incarcerated person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601 and 5054, Penal Code.

Article 6. Legal Documents

Section 3160 is amended to read:

3160. Inmate Incarcerated Person Access to Courts.

(a) Inmate Incarcerated person access to the courts shall not be obstructed. Staff shall assist illiterate inmates incarcerated persons or those physically incapable of preparing forms adopted under rules of the United States courts and the Judicial Council of California for petitions for habeas corpus or modification of custody if such an inmate incarcerated person requests assistance. Staff shall not in any way retaliate against or discipline any inmate incarcerated person for initiating or maintaining a lawsuit.

(b) In addition to any other court costs, filing fees, or procedures, an inmate incarcerated person initiating a state civil action shall pay a three-dollar (\$3) filing fee to the Department.

Subsection 3160(b)(1) remains unchanged.

(2) The filing fee shall be charged against the inmate's incarcerated person's trust account.

(3) If the inmate incarcerated person is without sufficient funds at the time of the charge, the civil action shall be allowed to be transmitted to the courts, and the inmate incarcerated person shall not be charged for any remaining balance of the filing fee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 2601, Penal Code.

Section 3161 is amended to read:

3161. ~~Inmate~~ Incarcerated Person-Owned Legal Materials.

(a) ~~Inmate~~ Incarcerated person-owned legal materials, documents, law books, and papers shall be limited to the availability of space authorized by section 3190(b) for personal property in the ~~inmate's~~ incarcerated person's quarters or living area, except as specified in this section. ~~Inmates~~ Incarcerated persons may possess up to one cubic foot of legal materials or documents related to their active cases, in addition to the six cubic feet of allowable property in their assigned quarters or living area. Legal materials, documents, law books, and papers in excess of this limitation shall be disposed of pursuant to section 3191(c). ~~Inmates~~ Incarcerated persons may request the institution or facility store excess legal materials or documents related to their active cases(s) when such materials/documents exceed this one cubic foot additional allowance. ~~Inmate~~ Incarcerated Person-owned law books in excess of the additional allowance shall not be stored by the institution or facility. Institutions or facilities shall provide for the storage of excess legal materials, law books, or documents related to the automatic appeal of the conviction resulting in the sentence of death of condemned ~~inmates~~ incarcerated persons.

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

Section 3162 is amended to read:

3162. Legal Forms and Duplicating Services.

(a) Legal duplication services may be provided to ~~inmates~~ incarcerated persons for the purposes of initiating or maintaining a court action. The printed forms required by state and federal courts shall be made available to ~~inmates~~ incarcerated persons. An ~~inmate~~ incarcerated person shall be required to pay for the duplication of printed forms and other written or typed materials, and for any special paper and envelopes required for mailing to the courts so long as the ~~inmate~~ incarcerated person has more than \$25.00 in ~~his or her~~ their trust account or the ~~inmate~~ incarcerated person has attorney representation for the court action. An indigent ~~inmate~~ incarcerated person as defined in Section 3000, who is without attorney representation for the court action, may receive legal duplicating services without charge subject to subsection (c).

(b) A legal document to be duplicated for any ~~inmate~~ incarcerated person, including all exhibits and attachments, shall be limited to the maximum number of pages needed for the filing, not to exceed 50 pages in total length, except when necessary to advance litigation. The ~~inmate~~ incarcerated person shall provide to designated staff a written explanation of the need for excess document length.

(c) Subject to the length requirements of subsection 3162(b), an indigent ~~inmate~~ incarcerated person who does not have attorney representation may receive duplication services without charge for the following legal documents to a court:

Subsections 3162(c)(1) through 3162(c)(9) remain unchanged.

(10) Additional documents that are necessary to advance litigation. The ~~inmate~~ incarcerated person shall provide to designated staff a written explanation of the need for additional documents.

(d) The authority to place restrictions on duplication services for any reason as described in this section shall not be delegated to staff below the level of correctional captain unless the person is designated by the Warden. The reasons for any restrictions on the services provided an inmate incarcerated person shall be documented on a CDC Form 128-B (Rev. 4.74), General Chrono, and placed in the inmate's incarcerated person's central file.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5007.7 and 5054, Penal Code.

Section 3163 is amended to read:

3163. Assisting Other ~~Inmates~~ Incarcerated Persons.

One inmate incarcerated person may assist another in the preparation of legal documents, but shall not receive any form of compensation from the inmate incarcerated person assisted. Legal papers, books, opinions and forms being used by one inmate incarcerated person to assist another may be in the possession of either inmate incarcerated person with the permission of the owner. All papers must be returned to the respective owners when either inmate incarcerated person is transferred to another institution or when other administrative action prevents direct communications between the inmates incarcerated persons. An inmate incarcerated person may be barred from giving legal assistance to other inmates incarcerated persons when violations of regulations and established procedures relate directly to such activities. An inmate incarcerated person will not be barred from giving or receiving legal assistance for violations of regulations and procedures which are unrelated to providing or receiving legal assistance. However, no otherwise prohibited contacts or access to prohibited areas will be permitted because of this regulation.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Johnson v. Avery, 89 S. Ct. 747 (1969).

Section 3164 is amended to read:

3164. Restricted Housing Unit Access.

(a) Inmates Incarcerated persons confined in a Restricted Housing Unit (RHU) for any reason will not be limited in their access to the courts.

(b) During a period of disciplinary detention, as described in Section 3330, legal resources may be limited to pencil and paper which will be provided upon request for correspondence with an attorney or the preparation of legal documents for the courts. Other legal material in the inmate's incarcerated person's personal property may be issued to an inmate incarcerated person in disciplinary detention if litigation was in progress before the inmate's incarcerated person's placement in disciplinary detention and legal due dates are imminent.

(c) Inmates Incarcerated persons who are housed in any restricted unit and who are not serving a period of disciplinary detention may possess and have access to any legal resource material available to the general population and may assist each other in their legal work to the extent compatible with institution security. For the purpose of this subsection, restricted units include reception centers, institution reception or orientation units, controlled housing and RHU as defined in section 3000.

(d) An inmate incarcerated person in a restricted housing unit may have access to an inmate incarcerated person law library subject to the provisions of section 3123.

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

Section 3165 is amended to read:

3165. Mailing Legal Documents.

(a) The mailing of legal documents to courts and claims to the Department of General Services, Office of Risk and Insurance Management (DGS ORIM) is the inmate's incarcerated person's responsibility. Mail designated by the inmate incarcerated person as legal mail will be delivered to the facility mail room for inspection, pursuant to Sections 3144 and 3145, and mailing in accordance with local facility mail procedures. The mail room shall maintain a current address list of federal, state, county, appellate, and district courts. The mail room will send mail out each working day.

(b) With each transmittal of mail to a court or claim filed with the DGS ORIM requiring the addition of postage, the inmate incarcerated person must submit a signed CDCR Form 193, Trust Account Withdrawal Order (Rev. 07/24). The mail room will remove the trust account withdrawal order, enter the amount of postage required, and forward the order to the trust office for processing. Mail addressed to a court or claims addressed to the DGS ORIM will be posted on the inmate's incarcerated person's CDC Form 119, Mail Record.

(c) Notarization of legal documents shall be available at all institutions. The inmate incarcerated person shall pay the established notary fee for such service unless the inmate incarcerated person is indigent as defined in Section 3000. When the inmate incarcerated person requests notarization, they shall indicate which document they request to have notarized.

(d) The cost of postage for mailing documents to the courts shall be charged against an inmate's incarcerated person's trust account unless the inmate incarcerated person is indigent at the time the documents are submitted for mailing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5007.7, Penal Code; and *In re Jordan*, 7 Cal. 3rd 930 (1972).

Article 7. Visiting

Section 3170 is amended to read:

3170. General Visiting.

(a) These regulations are made in recognition and consideration of the value of inmate incarcerated person visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates incarcerated persons for successful release and rehabilitation. It is the intent of these regulations to establish a visiting process in the institutions/facilities of the department that is conducted in as accommodating a manner as possible, subject to the need to maintain order, the safety of persons, the security of the institution/facility, and required prison activities and operations.

(b) The privacy of inmates incarcerated persons and their visitors shall be respected subject to the need to verify the identity of an inmate incarcerated person or visitor; enforce laws, regulations, and procedures; and/or ensure the safety of persons and institution/facility security. Video-recording devices may be utilized in visiting areas, excluding family visiting units or confidential attorney consultation areas.

(c) Visits with ~~inmates~~ incarcerated persons may, without prior notification, be terminated, temporarily suspended, or modified in response to an institution/facility emergency as determined by the institution head or designee. Emergency modifications of the visiting schedule shall be posted at the institution/facility as soon as practical and will be included in the automated telephonic visiting information system.

(d) Devices that do not allow physical contact between ~~inmates~~ incarcerated persons and visitors shall not normally be used, except as provided in section 3170.1 or as necessary in the following circumstances:

(1) Physical contact with a visitor(s), or with other ~~inmates~~ incarcerated persons, will seriously endanger the safety of persons or the security of the institution/facility,

Subsection 3170(d)(2) remains unchanged.

(e) Each ~~inmate~~ incarcerated person and visitor is responsible for ~~his or her~~ their own conduct during visits. Any violation of laws, regulations, or local procedures governing visits may result in termination, suspension, revocation, or denial of visiting with the person or persons involved, as described in section 3176. Such violation may also result in exclusion from the facility, as described in section 3176.3.

(f) Reasonable accommodation shall be afforded visitors and ~~inmates~~ incarcerated persons with disabilities to facilitate their full participation in contact, non-contact, or family visiting as provided in these rules.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 5054 and 6400, Penal Code; and *In re French*, 164 Cal Rptr. 800 (1980).

Section 3170.1 is amended to read:

3170.1. General Visiting Guidelines.

Subsection 3170.1(a) remains unchanged.

(b) ~~Inmates~~ Incarcerated persons shall not be permitted to visit during the hours of their assignment to work, training, Career Technical Education program and/or academic education, except as provided in section 3045.2.

(c) No limitations shall be placed on the number of visitors approved to visit an ~~inmate~~ incarcerated person. However, limitations on the length and frequency of visits may be imposed to avoid overcrowding or the inequitable allocation of visiting time or for other reasons as provided in section 3176.

(1) An ~~inmate~~ incarcerated person shall not be permitted a contact visit with more than five persons, including minors, at the same time. Groups of visitors in excess of five may be accommodated only once per visit by means of rotation through the visiting area. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress in accordance with 3176(a)(9) and (10).

(2) An ~~inmate~~ incarcerated person shall not be permitted a non-contact visit with more than three persons, including minors, at the same time. Groups of visitors in excess of three may be accommodated only one per visit by means of rotation through the visiting area. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress in accordance with 3176(a)(9) and (10).

(d) Visiting with more than one inmate incarcerated person at the same time, shall require that both ~~inmates~~ incarcerated persons are approved to visit in the same visiting room, and that either:

(1) The visitors and ~~inmates~~ incarcerated persons are immediate family members as defined in Section 3000; or

Subsection 3170.1(d)(2) remains unchanged.

(e) ~~Inmates~~ Incarcerated persons undergoing reception center processing shall be limited to non-contact visiting. If non-contact visiting cannot be accommodated because of physical plant limitations, the institution head shall take such limitations into account in establishing an alternative visiting plan. ~~Inmates~~ Incarcerated persons with disabilities, who remain at the reception center for extended stays (exceeding 60 days) due to their disability, shall be authorized regular visiting privileges.

(f) ~~Inmates~~ Incarcerated persons assigned to a Restricted Housing Unit (RHU) shall be eligible for non-contact visits only. On a case-by-case basis, the institution head or designee may allow contact visits for administratively restricted ~~inmates~~ incarcerated persons. Visitors who have made appointments in advance for non-contact RHU visits shall be given priority. Non-contact visits shall be scheduled in one-hour increments and may be extended based on space availability. When overcrowding occurs, those who have visited at least one hour and who have been visiting for the longest time may have their visits terminated as outlined in subsections 3176(a)(9) and (10).

(g) During contact visits, the inmate incarcerated person and visitor may pass, exchange, or examine any items of property or consume any items of food or beverage that either party is permitted to bring into or purchase in the visiting area, except for items that are contraband under section 3006. Neither the inmate incarcerated person nor the visitor shall take any property items out of the visiting area that were passed or exchanged from the other party, except for legal documents as provided in section 3178 and photographs that were taken during the visit. Neither the inmate incarcerated person nor the visitor shall take any food or beverage items out of the visiting area.

Subsection 3170.1(h) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601(c)(2), 4570, 4576 and 5054, Penal Code.

Section 3171 is amended to read:

3171. Visiting Procedures.

(a) The institution head shall maintain visiting procedures for inmate incarcerated person visiting at each institution/facility. All local visiting procedures must conform to and shall not conflict with the rules and regulations set forth in this article. The degree of informality of inmate incarcerated person visiting will be consistent with the security requirements of each institution/facility.

(b) ~~Inmates~~ Incarcerated persons shall be informed of local visiting procedures and shall be given a written summary of all rules, regulations and procedures governing visiting at the institution/facility. Additional copies shall be readily available for ~~inmates~~ incarcerated persons to give or send to their visitors. The written summary shall include the institution/facility visiting schedule. This same summary will be conspicuously displayed in all public entrances to the institution/facility and will be available to any interested person. Institutions/facilities shall have

the visiting days and hours, as well as appropriate dress standards, clearly published in the visiting centers and in the visitor processing area.

(c) ~~Inmates~~ Incarcerated persons may refuse to see a visitor. Such refusal shall not result in removal of the visitor from the ~~inmate's~~ incarcerated person's visitor list. To remove a visitor from their approved visitor list, ~~inmates~~ incarcerated persons shall submit a written request to the visiting staff. After six months, the ~~inmate~~ incarcerated person may make a written request to have the visitor placed back on their approved visitor list. At this time, the visitor shall reapply for approval to visit by submitting a visiting questionnaire.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2080, 2086, 2930 and 5054, Penal Code.

Section 3172 is amended to read:

3172. Applying to Visit an ~~Inmate~~ Incarcerated Person.

(a) It is the ~~inmate's~~ incarcerated person's responsibility to forward a visiting questionnaire to any prospective visitor.

(b) All adults seeking to visit an ~~inmate~~ incarcerated person shall provide a completed visiting questionnaire and obtain institution/facility approval before they may be permitted to visit with an ~~inmate~~ incarcerated person.

Subsection 3172(b)(1) remains unchanged.

(2) A minor legal spouse of an ~~inmate~~ incarcerated person may apply to visit the ~~inmate~~ incarcerated person as an adult visitor with a certified copy of their marriage license.

(c) Minor visitors shall have prior written approval from a parent or legal guardian unless the minor applies as an adult as provided in (b) above. Except when prior approval has been obtained from the institution head or designee for an ~~inmate~~ incarcerated person to visit with ~~his or her~~ their unchaperoned minor children or siblings, visitors under 18 years of age shall be accompanied by an adult who is also approved to visit.

(d) It is a felony for any former prison ~~inmate~~ incarcerated person to come on institution/facility property for any reason, without prior approval of the institution head or designee. Requests must be made in writing and include a visiting questionnaire and a Certificate of Discharge. ~~Parolees~~ Supervised persons and prospective visitors under probation or civil addict outpatient supervision shall provide written proof of permission to make such a visit from their case supervisor.

Subsection 3172(e) remains unchanged.

(f) Previously approved visitors shall submit a new visiting questionnaire prior to visiting any ~~inmate~~ incarcerated person who has been returned to an institution/facility from parole or admitted into a substance abuse treatment control unit while on parole. The visitor shall not be allowed to visit prior to obtaining the institution/facility approval.

(g) The applicant shall return the completed questionnaire to the institution/facility via common carrier or personal delivery (except as provided in subsection (d) above) addressed to the attention of "Visiting". Any questionnaire received by the visiting office directly from an ~~inmate~~ incarcerated person shall be disapproved. Approved visitors required to update information in accordance with (e) above, shall, absent information which would warrant immediate disapproval, be allowed to continue to visit pending review and approval/disapproval of the questionnaire.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4570.5 and 5054, Penal Code.

Section 3172.1 is amended to read:

3172.1. Approval/Disapproval of Prospective Visitors.

Subsections 3172.1(a) through 3172.1(b)(3)(D) remain unchanged.

(4) The prospective visitor is a former ~~prison inmate~~ incarcerated person who has not received the prior written approval of the institution head or designee. After one year from the date of a former ~~inmate's~~ incarcerated person's discharge from an institution/facility, or after discharge from parole or outpatient status, the institution head will only deny visiting by a former ~~prison inmate~~ incarcerated person for reasons that would apply to any other person as set forth in this article.

(5) The prospective visitor is a supervised ~~parolee person, or probationer person on probation, or~~ on civil addict outpatient status and has not received written permission of ~~his or her~~ their case supervisor and/or the prior approval of the institution head.

Subsections 3172.1(b)(6) through 3172.1(c) remain unchanged.

(1) If the application is approved, ~~inmates~~ incarcerated persons shall be notified in writing and are responsible for informing their prospective visitor(s) of the institution/facility decision to approve the application.

(2) If disapproved, the prospective visitor and ~~inmate~~ incarcerated person shall both be notified in writing. The prospective visitor's notification shall include the specific reason(s) for disapproval and instructions regarding the process for reconsideration.

Subsection 3172.1(d) remains unchanged.

(e) Approval to visit an ~~inmate~~ incarcerated person is conditioned upon compliance with all laws, regulations, and procedures governing visitor conduct on institution/facility property.

(f) There are no restrictions on the number of ~~inmates~~ incarcerated persons that a visitor may be approved to visit at one or more institution/facility.

(g) Any visitor approved for visiting at one institution/facility shall be approved to visit the same ~~inmate~~ incarcerated person upon transfer to another institution/facility provided the visitor's approval status remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4576 and 5054, Penal Code.

Section 3173 is amended to read:

3173. Processing of Approved Visitors.

Subsections 3173(a) through 3173(c)(6) remain unchanged.

(d) Minors may be allowed to visit an ~~inmate~~ incarcerated person subject to the restrictions of section 3173.1. If the accompanying adult is not the parent or legal guardian of the minor, a notarized written consent shall be required from a person with legal custody of the minor, authorizing the minor to visit while accompanied by a designated adult.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4570.5 and 5054, Penal Code.

Section 3173.1 is amended to read:

3173.1. Visiting Restrictions with Minors.

(a) For ~~inmates~~ incarcerated persons convicted of Penal Code (PC) Section(s) 261, 264.1, 266c, 269, 285, 286, 288, 288a, 288.5, or 289 when the victim is a minor, visitation with the minor victim shall be prohibited, except as authorized by an order of the juvenile court pursuant to Welfare and Institutions Code Section 362.6. Visitation pursuant to such an order shall be limited to non-contact status.

(b) For ~~inmates~~ incarcerated persons convicted of PC Section(s) 261, 264.1, 266c, 285, 286, 288, 288a, 288.5, or 289 when the victim is a minor, visitation with any minor who is not the victim of the crime shall be limited to non-contact status except as authorized by the Institution Classification Committee.

(c) For ~~inmates~~ incarcerated persons convicted of PC Section(s) 273a, or 273d, visitation with the minor victim shall be limited to non-contact status.

(d) For ~~inmates~~ incarcerated persons convicted of violating PC Section(s) 187, 269, 273a, 273ab, or 273d, when the victim is a minor, visitation with any other minor shall be limited to non-contact status except as authorized by the Institution Classification Committee.

(e) When an ~~inmate~~ incarcerated person has been arrested, but not convicted, of any crime involving a minor victim included in this Section, a classification committee shall determine whether all visitation with a minor(s) is to be limited to non-contact status.

Unless otherwise prohibited, the ~~inmate's~~ incarcerated person's visiting status shall be unrestricted until a classification committee has done the following:

(1) Made a case-by-case determination whether the ~~inmate~~ incarcerated person poses a threat of harm to minor visitors in contact visitation.

(2) Considered the circumstances of the misconduct involving a minor victim in determining whether the ~~inmate~~ incarcerated person poses a threat of harm to minor visitors in contact visitation. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, parole revocation transcripts.

(f) If a classification committee, when making a decision regarding the visiting status of an ~~inmate~~ incarcerated person described in (e) above, determines that the ~~inmate~~ incarcerated person will pose a threat of harm to minor visitors in contact visitation, it will order all the ~~inmate's~~ incarcerated person's visitation with minors be restricted to non-contact visiting status.

(g) If an ~~inmate~~ incarcerated person disagrees with the decision of a classification committee, the ~~inmate~~ incarcerated person may file a written grievance as outlined in section 3480, et seq.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1202.05, 5054 and 5054.2, Penal Code; Section 362.6, Welfare and Institutions Code; and *Persons v. Glass* (2004) 114 Cal. App. 4th 1032.

3173.2 is amended to read:

3173.2. Searches and Inspections.

Subsections 3173.2(a) through 3173.2(b) remain unchanged.

(c) Visitors shall be required to submit to contraband and/or metal detection device(s) and/or electronic drug detectors including, but not limited to, ION scanners and other available contraband and/or metal detecting device(s) technology, and a thorough search of all personal items, including inspection of a wheelchair, implant, prosthesis or assistive devices prior to being allowed to visit with an ~~inmate~~ incarcerated person. Visitors shall be subject to search by passive canines as follows:

Subsections 3173.2(c)(1) through 3173.2(c)(3)(F) remain unchanged.

(G) All requests for unclothed or clothed body searches, the reason for the request, and specific facts on which the search is based shall be documented on CDCR Form 888 (Rev. ~~01/2407/24~~), Notice of Request for Search, which is incorporated by reference. This form shall include the subject's name, date, all information regarding the reason(s) for the search excluding any confidential information as referenced in section 3321, and the signature of the person authorizing or refusing to be searched. Should the visitor refuse to be searched or in instances where drugs or contraband are discovered, a CDCR Form 887-B (~~02/2307/24~~), Notice of Visitor Warning/Termination/ Suspension/ Denial/ Revocation, which is incorporated by reference, shall be completed. This form shall specify the reason(s) for the denial of visiting and time frames for which the denial or suspension are in effect.

Subsection 3173.2(c)(4) remains unchanged.

(A) When conducting scans of ~~inmate~~ incarcerated person visitors, there may be occasions when legitimate circumstances exist that may result in a positive canine alert. The cause of this alert may be the visitor's use of prescribed medications that contain narcotics and other drugs for which the canine has been trained to alert.

Subsections 3173.2(c)(4)(B) through 3173.2(c)(4)(C) remain unchanged.

(D) In all cases where a visitor is arrested and/or issued a citation for committing a criminal act while on institution grounds, a copy of CDCR 837-A (Rev. ~~10/1507/24~~), Crime/Incident Report, Part A - Cover Sheet, which is incorporated by reference, arrest reports, and staff reports documenting the arrest will be forwarded to the local District Attorney's office in accordance with existing departmental regulations in sections 3176.2 and 3316(a).

Subsections 3173.2(d) through 3173.2(i) remain unchanged.

(j) The visitor who refused to be searched shall be notified of the denied visit in writing as described in section 3176(b).

Subsection 3173.2(j)(1) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4573, 4573.5, 4576, 5054 and 6402, Penal Code.

Section 3174 is amended to read:

3174. Standards of Dress for ~~Inmate~~ Incarcerated Person Visitors.

Subsections 3174(a) through 3174(b) remain unchanged.

(1) Clothing that resembles state-issued ~~inmate~~ incarcerated person clothing worn to visiting (blue denim or blue chambray shirts and blue denim pants);

Subsections 3174(b)(2) through 3174(b)(6) remain unchanged.

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

Section 3175 is amended to read:

3175. Standards of Conduct for ~~Inmates~~ Incarcerated Persons and Their Visitors.

(a) ~~Inmates~~ Incarcerated persons and visitors shall comply with all laws, regulations, and institution/facility procedures. Any violation may result in denial, termination, suspension, restriction, or revocation, of visiting as described in section 3176.

Subsections 3175(b) through 3175(c) remain unchanged.

(d) ~~Inmates~~ Incarcerated persons and their visitors may hold hands.

(e) At the beginning and end of each visit, ~~inmates~~ incarcerated persons and their visitors may briefly embrace and/or kiss.

(f) An ~~inmate~~ incarcerated person may hold ~~his or her~~ their minor children. ~~Inmates~~ Incarcerated persons may also hold minor children accompanied by an adult.

Subsection 3175(g) remains unchanged.

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

Section 3176 is amended to read:

3176. Denial, Restriction, Suspension, Termination or Revocation of Visits and Exclusion of a Person.

Introductory language through subsections 3176(a)(3)(A) remain unchanged.

(B) The willingness or unwillingness of the visitor to submit to a search shall not affect conditions or restrictions placed on an ~~inmate's~~ incarcerated person's visiting privileges by a disciplinary or classification committee unless the ~~inmate~~ incarcerated person is found in a subsequent disciplinary hearing to have been a conspirator to smuggle contraband into or out of the institution/facility.

Subsections 3176(a)(4) through 3176(a)(9)(A) remain unchanged.

(B) Weddings: When an ~~inmate~~ incarcerated person and the visitor's marriage ceremony occurred on that day.

Subsection 3176(a)(9)(C) remains unchanged.

(D) Family Emergencies: When death, serious illness or injury occurs to an ~~inmate's~~ incarcerated person's immediate family as defined in Section 3000. Clergy or approved visitors may visit the ~~inmate~~ incarcerated person to offer condolences or inform the ~~inmate~~ incarcerated person of the occurrence.

(E) Infrequent Visits: When the visitor has not visited the ~~inmate~~ incarcerated person in the last six months.

Subsections 3176(a)(10) through 3176(c)(3) remain unchanged.

(d) The ranking custody officer on duty or the official in charge of visiting may restrict visits, but may not deny visiting, as a temporary security measure when an ~~inmate~~ incarcerated person is scheduled for a hearing on a serious rules violation or for classification on an order for placement

in a restricted housing unit. Subsequent disciplinary or classification committee action will supersede any such temporary action.

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

Section 3176.1 is amended to read:

3176.1. Visitor Violation Process.

Any person seeking entry into an institution/facility for the purpose of visiting an ~~inmate~~ incarcerated person shall be subject to all applicable laws, rules and regulations. Any person violating a law, rule or regulation while visiting shall be subject to warning, termination, suspension, and/or revocation as described below:

Subsection 3176.1(a) remains unchanged.

(b) Termination. When verbal warnings and/or restrictions fail to achieve compliance, or fail to deter conduct by a visitor that if committed by an ~~inmate~~ incarcerated person would constitute a serious rules violation, the visit shall be terminated and documented in writing.

Subsections 3176.1(c) through 3176.1(e) remain unchanged.

(f) Revocation. Subsequent discovery of information that would have resulted in disapproval or disqualifying conduct are grounds for revocation of the previously granted permission to visit an ~~inmate~~ incarcerated person.

(g) The visitor and the ~~inmate~~ incarcerated person shall be notified in writing of all formal warnings, terminations, suspensions and revocations. The notice shall clearly state the reason for the action and length of time any sanction will apply. The notification shall also include the signature of the official taking the action and advise the visitor of the right to appeal in accordance with section 3179. The notification shall be provided to the visitor at the time of the action or mailed to the visitor's last known address within five working days of the action.

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

Section 3176.3 is amended to read:

3176.3. Exclusion of a Person from Institutions/Facilities.

Subsections 3176.3(a) through 3176.3(d) remain unchanged.

(e) When the institution head's exclusion order affects an ~~inmate's~~ incarcerated person's attorney, or when the matter may have department wide significance, an immediate telephone report will be made to the director. In all instances of exclusion a written report will be made to the director or designee within two working days of the effective date of the order.

Subsections 3176.3(f) through 3176.3(f)(4) remain unchanged.

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

Section 3176.4 is amended to read:

3176.4. Restriction, Revocation or Suspension of an ~~Inmate's~~ Incarcerated Person's Visits.

(a) Designated staff, not below the rank of correctional lieutenant or parole agent II, may temporarily impose non-contact visiting restrictions as a necessary security measure for an ~~inmate~~ incarcerated person who is pending a serious disciplinary hearing for the distribution and/or

possession/control of a controlled substance, possession of money or other dangerous contraband that has been introduced into the institution/facility, or for other violations related to visiting.

(b) Pursuant to section 3314, a hearing officer conducting an administrative rules violation hearing may restrict an ~~inmate's~~ incarcerated person's visiting privileges for up to 30 days when the ~~inmate~~ incarcerated person is found guilty of visiting related misconduct.

(c) Upon a finding of guilt of a drug related offense, as described in subsections 3323(c)(6) and/or 3323(d)(7), the official conducting a disciplinary hearing, shall suspend and restrict an ~~inmate's~~ incarcerated person's visiting privileges pursuant to subsections 3315(f)(5)(H) and 3315(f)(5)(I).

(d) Pursuant to section 3315, the official conducting a disciplinary hearing may suspend or restrict an ~~inmate's~~ incarcerated person's visiting privileges for up to 90 days, when the ~~inmate~~ incarcerated person is found guilty of any of the following serious rule violations:

Subsections 3176.4(d)(1) through 3176.4(d)(3) remain unchanged.

(e) Suspension and or restriction of visiting may be imposed by a classification committee for a specific period of time when there is substantial reason(s) to believe that the ~~inmate~~ incarcerated person poses a threat to the security of the institution/facility and or safety of persons.

(1) Separate from the disciplinary authority of the senior hearing officer as provided in section 3315, a classification committee may suspend and restrict the visiting privileges of an ~~inmate~~ incarcerated person found guilty of multiple visiting related violations as described in section 3176.4(d). The committee may impose the following suspensions and restrictions:

Subsections 3176.4(e)(1)(A) through 3176.4(e)(1)(B) remain unchanged.

(2) A classification committee may impose a loss of visits for 180 days, to be followed by non-contact visits for 180 days, for escape or attempted escape when the ~~inmate~~ incarcerated person is found guilty by a disciplinary hearing officer or court.

(f) When the ~~inmate's~~ incarcerated person's visiting privilege status has been modified or changed, the ~~inmate~~ incarcerated person shall be responsible for promptly notifying ~~his or her~~ their visitor(s) of the action taken.

Subsection 3176(g) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2086, 2772, 2790, 4502, 4535, 4571, 4573, 4573.5, 4573.6 and 5054, Penal Code; and *In re French*, 106 Cal.App.3d 74 (1980).

Section 3177 is amended to read:

3177. Family Visiting (Overnight).

Institution heads shall maintain family visiting policies and procedures. Family visits are extended overnight visits, provided for eligible ~~inmates~~ incarcerated persons and their immediate family members as defined in Section 3000, commensurate with institution security, space availability, and pursuant to these regulations. Each institution shall provide all necessary accommodations, except for food, at no cost to the ~~inmates~~ incarcerated persons and their visitors. Institutions shall require eligible ~~inmates~~ incarcerated persons to purchase all food for the family visit through the institution family visiting coordinator. Each institution family visiting menu shall provide a

balanced variety of nutritional selections. At all CDCR conservation camps, the visitors shall be required to bring all food for the visit.

Only those immediate family members as defined in Section 3000, including registered domestic partners, are authorized for family visits.

(a) When a bonafide and verified foster relationship exists between an ~~inmate~~ incarcerated person and another person, by virtue of being raised in the same foster family, the person may be approved for family visiting with the prior approval of the institution head or designee.

(b) Family visiting is a privilege. Eligibility for family visiting shall be limited by the assignment of the ~~inmate~~ incarcerated person to a qualifying work/training incentive group as outlined in section 3044.

(1) Family visits shall not be permitted for ~~inmates~~ incarcerated persons convicted of a violent offense where the victim is a minor or family member or any sex offense, which includes but is not limited to the following Penal Code sections: 187 (when the victim is a family member as defined in Section 3000 or minor); 192 (when the victim is a family member or minor); 243.4; 261; 261.5; 262; 264.1; 266c; 266j; 273a; 273d; 273.5; 273.6; 285; 286; 288; 287; 288.2; 288.5; 289; 289.5; 311.1; 311.2; 311.3; 311.4; 313.1; 314; or 647.6, unless otherwise eligible pursuant to subsection (b)(1)(B) or (C) of this section.

(A) ~~Inmates~~ Incarcerated persons may be prohibited from family visiting where substantial documented evidence or information of the misconduct described in section 3177(b)(1) exists, without a criminal conviction. The evidence or information appropriate for the purpose of this regulation shall include rule violation reports as well as the standard described in section 3173.1.

(B) ~~Inmates~~ Incarcerated persons convicted as a minor of a violent offense where the victim was a minor or family member, excluding any sex offense, shall have eligibility for family visiting determined by a classification committee provided the ~~inmate~~ incarcerated person has demonstrated sustained, positive behavior to include: no serious rules violation reports in the last five years and documented participation in self-help groups, e.g., Anger Management, Narcotics Anonymous, Alcoholics Anonymous. The classification committee shall consider the circumstances of the offense involving a minor or family victim in determining whether the ~~inmate~~ incarcerated person poses a threat of harm to visitors during a family visit. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, parole revocation transcripts.

(C) ~~Inmates~~ Incarcerated persons convicted of a violent offense where the victim was a minor or a family member, excluding any sex offense, may be eligible for family visiting as determined by a classification committee providing the ~~inmate~~ incarcerated person has demonstrated sustained, positive behavior to include: no serious rules violation reports in the last ten years and documented participation in self-help groups, e.g., Anger Management, Narcotics Anonymous, Alcoholics Anonymous. The classification committee shall consider the circumstances of the offense involving a minor or family victim in determining whether the ~~inmate~~ incarcerated person poses a threat of harm to visitors during a family visit. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, parole revocation transcripts.

Subsection 3177(b)(1)(D) remains unchanged.

(2) Family visits shall not be permitted for ~~inmates~~ incarcerated persons who are in any of the following categories:

Subsection 3177(b)(2)(A) remains unchanged.

(B) Designated a condemned ~~inmate~~ incarcerated person;

Subsections 3177(b)(2)(C) through 3177(b)(3) remain unchanged.

(c) Unescorted minors of the ~~inmate's~~ incarcerated person's immediate family shall not participate in family visits. Exceptions include an ~~inmate's~~ incarcerated person's legal spouse, the ~~inmate's~~ incarcerated person's children or legal stepchildren and the ~~inmate's~~ incarcerated person's own brothers or sisters when the institution head or designee approves such unchaperoned visits.

(d) ~~Inmates~~ Incarcerated persons shall not be eligible for a family visit while any action that restricts, suspends, or denies their contact with a visitor or visitors during regular visiting is in effect. Family visits may be revoked or suspended without such action affecting an ~~inmate's~~ incarcerated person's eligibility for contact or non-contact visits.

(e) Each ~~inmate~~ incarcerated person shall be subject to disciplinary action, which may include suspension or exclusion from participation in the family visiting program, for any willful damage of the unit and/or furnishings or for failure to maintain the cleanliness of the family visiting program unit.

Subsection 3177(f) remains unchanged.

(g) ~~Inmates~~ Incarcerated persons with a disability requiring an accommodation for family visits shall give 72 hours notice of any request for accommodation.

NOTE: Authority cited: Sections 5058 and 6404, Penal Code. Reference: Section 297.5, Family Code; and Section 5054, Penal Code.

Section 3178 is amended to read:

3178. Attorney Visitations and Consultation.

Subsection 3178(a) remains unchanged.

(b) A private consultation between an ~~inmate~~ incarcerated person and ~~his or her~~ their attorney or attorney representative is known as an attorney visit. Attorney visits shall be conducted in a confidential area specified by the institution/facility. Attorney visiting shall normally be accommodated during the institution/facility regularly scheduled visiting days and hours. Where regular visiting is scheduled on both weekdays and weekends, the scheduling preference will be on weekdays because of the personnel and resources needed for the greater volume of weekend visits by friends and relatives.

Subsection 3178(b)(1) remains unchanged.

(2) The institution head or the official in charge of visiting has the discretion to authorize a contact attorney visit for an ~~inmate~~ incarcerated person on non-contact visiting status.

(3) If an attorney, or attorney representative, does not desire private accommodations, the attorney or attorney representative may visit the ~~inmate~~ incarcerated person on any scheduled visiting day and shall be provided the same accommodations including the schedule, as a regular visitor.

Subsections 3178(c) through 3178(c)(3)(C) remain unchanged.

(D) The name and CDCR of the inmate(s) incarcerated person(s) to be visited.

Subsections 3178(c)(3)(E) through 3178(c)(4) remain unchanged.

(d) An attorney who wishes to consult in person with an inmate incarcerated person shall contact the institution/facility at which the inmate incarcerated person is housed. The request shall be made by calling or writing (including via facsimile) the staff designated (usually the litigation coordinator) in the institution/facility operational supplement. In order to obtain approval/clearance, the attorney shall provide the following personal and professional information in writing (including via facsimile): name; mailing address; date of birth, valid driver's license or state-issued identification card number; proof of current registry and good standing with a governing bar association; and indication of the jurisdiction(s) licensed to practice law. Requesting attorneys must also report any prior felony convictions, explain any prior suspension or exclusion from a correctional facility and declare one or more of the following:

(1) They are the inmate's incarcerated person's attorney either by appointment by the court or at the inmate's incarcerated person's request;

(2) They have been requested by a judge to interview a named inmate incarcerated person for purposes of possible appointment as counsel by the same court;

(3) They are requesting to visit an inmate incarcerated person who may be a witness directly relevant to a legal process, purpose, or proceeding;

(4) They are seeking to interview a named inmate incarcerated person, at the request of the inmate incarcerated person, for the purpose of representation of the inmate incarcerated person in a legal process, for a legal purpose or in a legal proceeding.

(5) They have been requested by a third party to consult with the inmate incarcerated person when the inmate incarcerated person cannot do so because of a medical condition, disability, or other circumstance.

Subsection 3178(e) remains unchanged.

(f) Upon receipt of the information specified in (d) above, a California Law Enforcement Telecommunications System check of the attorney through the Department of Justice and verification of the attorney's credential through the governing state bar will be conducted. Once the clearance and state bar verification have been obtained and approved, the attorney shall be contacted to schedule the initial in-person visit with the specified inmate(s) incarcerated person(s). Attorneys and attorney representatives must report any change in personal or professional information, arrest history and declarations made in subsections (c) and (d) above to retain their approval/clearance.

(g) While five days notice to schedule an attorney visit is requested an approved attorney or approved attorney representative shall provide the institution/facility with no less than two business days notice to schedule a private consultation with an inmate incarcerated person. In an emergency, appointment requests may be cleared through the institution head or designee.

Subsection 3178(h) remains unchanged.

(i) To follow-up on information obtained during a private consultation with an inmate incarcerated person, attorneys or attorney representatives may request to visit inmates incarcerated persons other than those already formally represented. Such requests shall be considered subject to

reasonable operational limitations. If the request imposes an unreasonable burden on staffing or unduly disrupts an institutional function, e.g., interferes with count or feeding, it will be deemed unreasonable and the request will be denied.

(j) When there is cause to believe an attorney or a legal service organization is abusing the privilege of private consultation with the ~~inmate~~ incarcerated person, the institution head is authorized to:

(1) Require proof that the ~~inmate~~ incarcerated person and attorney are involved in active litigation or have a legitimate legal reason for contact.

Subsection 3178(j)(2) remains unchanged.

(k) An attorney request for the deposition of an ~~inmate~~ incarcerated person shall be made in writing to the institution head. The request shall include:

(1) The name and CDCR number of the ~~inmate~~ incarcerated person.

Subsections 3178(k)(2) through 3178(k)(3) remain unchanged.

(l) Not more than two attorneys or attorney representatives may visit privately with an ~~inmate~~ incarcerated person or witness at the same time. Exceptions may be authorized by the official in charge of visiting commensurate with space and staff availability.

(m) Conversations between an ~~inmate~~ incarcerated person and an attorney and/or attorney representative shall not be listened to or monitored, except for that visual observation by staff which is necessary for the safety and security of the institution/facility.

(n) All items, including legal documents permitted into the security area, shall be inspected for contraband and/or unauthorized items or substances. The ~~inmate~~ incarcerated person may retain and take from the visiting area any legal documents given to ~~him or her~~ them by the attorney or attorney representative, providing the ~~inmate~~ incarcerated person consents to staff examination of the documents for contraband or unauthorized items or substances.

(1) Staff may open and inspect but shall not read any part of written or printed materials without the expressed consent of the attorney/attorney representative and ~~inmate~~ incarcerated person.

(2) Any and all items including written and printed material that an ~~inmate~~ incarcerated person and an attorney wish to exchange during the visit must be presented to the official in charge of visiting for inspection before it is brought into the visiting area. The purpose of this inspection is to ensure the contents pose no threat to the security or safety of the institution/facility, including the introduction of unauthorized drugs, controlled substances, and contraband as defined in section 3006.

(3) If the ~~inmate~~ incarcerated person does not consent to an inspection of the contents of a document given to the ~~inmate~~ incarcerated person by the attorney/attorney representative, it shall be returned to the attorney/attorney representative.

(o) After proper inspection, written and printed material may be exchanged. The attorney or attorney representative may retain and take from the visiting area and from the institution/facility any legal written or printed documents given to them by the ~~inmate~~ incarcerated person and not otherwise prohibited by law or these regulations.

(p) An attorney or attorney representative may be permitted, with the ~~inmate's~~ incarcerated person's consent, to audio record the ~~inmate's~~ incarcerated person's interview.

Subsections 3178(p)(1) through 3178(p)(2) remain unchanged.

(q) The institution head or designee may authorize video recording of ~~inmate~~ incarcerated person interviews, with the ~~inmate's~~ incarcerated person's consent.

Subsections 3178(q)(1) through 3178(q)(3) remain unchanged.

(r) Attorneys shall not be permitted to attend or participate in any conference or committee meeting of staff and the ~~inmate~~ incarcerated person concerned, except as may be authorized in these regulations.

Subsections 3178(s) through 3178(t) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 4570.5 and 5054, Penal Code; and *Procurier v. Martinez*, 94 S. Ct. 1800 (1974).

Section 3179 is amended to read:

3179. Complaints Relating to Visiting.

(a) Approved ~~inmate~~ incarcerated person visitors, and visiting applicants may file a complaint with the institution head regarding department policies, staff decisions, and institution or facility procedures relating to visiting.

(b) Visitor complaints related to institution or facility procedures or staff decisions shall be addressed to the institution head. A written response shall be provided within 15 working days from receipt of the complaint. If dissatisfied with the institution or facility response or action, the ~~reporting party-complainant~~ may refer the complaint, with a copy of the institution or facility decision, to the director or designee.

Subsection 3179(c) remains unchanged.

(d) All subsequent decisions made as the result of complaint and the reasons for the decisions shall be documented with a copy to the ~~reporting party-complainant~~. Visiting privileges shall be promptly approved or restored when an investigation concludes that no violation of rules, regulations, or procedures took place.

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

Article 8. Tobacco

Section 3187 is amended to read:

3187. Smoking Policy.

Subsections 3187(a)(1) through 3187(a)(2) remain unchanged.

(3) Residential Space means the private living areas of staff. Residential Space does not include the living areas of ~~inmates~~ incarcerated persons or family visiting areas. Residential space includes, but is not limited to, residential areas at institutions, correctional training academies, and conservation camps.

Subsections 3187(a)(4) through 3187(b)(1) remain unchanged.

(2) In areas designated by each institution head for the purpose of approved ~~inmate~~ incarcerated person religious ceremonies as specified.

Subsections 3187(c) through 3187(e) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code; Sections 7596-7598 and 19994.30-19994.32, Government Code.

Section 3188 is amended to read:

3188. Tobacco Products.

Subsections 3188(a) through 3188(b) remain unchanged.

(c) Staff shall not use or possess tobacco products in the presence of ~~inmates~~ incarcerated persons. No person shall possess or use tobacco products on the grounds of any institution/facility that houses or detains ~~inmates~~ incarcerated persons, under the jurisdiction of the Department, except for the following:

(1) The use of tobacco products may be departmentally approved in ~~inmate~~ incarcerated person religious ceremonies.

(2) Tobacco products for personal use off facility grounds are permitted when secured in a locked private vehicle.

(3) Tobacco products for personal use are permitted in residential spaces of staff where ~~inmates~~ incarcerated persons are not present. Use of tobacco products in residential space at correctional training academies, and in Staff Quarters at conservation camps, will be permitted only in designated areas with designated times to be determined by local operational procedures.

Subsection 3188(c)(4) remains unchanged.

(d) On July 1, 2005 and thereafter, smoking, possession, or use of tobacco products by ~~inmates~~ incarcerated persons under the jurisdiction of the Department, or any other persons where ~~inmates~~ incarcerated persons are housed or detained, except as provided in (c), is prohibited and tobacco products will be considered contraband in accordance with section 3006.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code; Section 19994.35, Government Code.

Section 3189 is amended to read:

3189. Inmate Incarcerated Person Violations and Cessation Assistance.

(a) ~~Inmates~~ incarcerated persons violating the provisions of sections 3187 and/or 3188 on July 1, 2005 and thereafter shall be subject to the ~~inmate~~ incarcerated person disciplinary methods, administrative and serious rule violation provisions of sections 3312, 3314 and 3315.

Subsections 3189(b)(1) through 3189(b)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code.

Article 9. Personal Property and Religious Personal Property

Section 3190 is amended to read:

3190. General Policy.

(a) ~~Inmates~~ incarcerated persons shall be permitted to possess in their quarters/living area, state-issued property items, and authorized personal/religious property items based upon privileges in

section 3044 and/or assigned security level and/or institution mission, and subject to disciplinary provisions in sections 3314 and 3315.

Subsections 3190(b) through 3190(c) remain unchanged.

(1) ~~Inmate~~ Incarcerated person requests for additional religious personal property items to be added to the RPPM shall be submitted to the local Religious Review Committee (RRC) on a CDCR Form 2279 (Rev. ~~10/21~~07/24), Religious Personal Property Matrix (RPPM) Request for Additional Item, which is incorporated by reference. The local RRC shall review the request and forward the CDCR Form 2279 with a recommendation to the SRRC for review and decision.

Subsection 3190(c)(2) remains unchanged.

(d) The Non Disciplinary Restricted Housing (NDRH) Personal Property Matrix (Rev. 11/23) identifies a separate list of allowable personal property afforded to ~~inmates~~ incarcerated persons housed in RHU for non disciplinary reasons as affirmed by a classification committee, and is hereby incorporated by reference. The NDRH Personal Property Matrix shall be updated by collaboration of all Division of Adult Institutions mission based programs no more frequently than twice yearly. All changes to the NDRH Personal Property Matrix shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

(e) The Transgender Inmates Authorized Personal Property Schedule (TIAPPS) (Rev. 11/23) identifies a separate list of allowable personal property afforded to transgender ~~inmates~~ incarcerated persons and ~~inmates~~ incarcerated persons with symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel within a CDCR institution, and is incorporated by reference. The TIAPPS shall be updated through the collaboration of all mission-based programs within the Division of Adult Institutions no more frequently than twice yearly. All changes to the TIAPPS shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code Section 5058.3.

The following two property lists are incorporated by reference:

(1) TIAPPS--Designated Male Institutions (Rev. 11/23). This personal property schedule applies to transgender ~~inmates~~ incarcerated persons and ~~inmates~~ incarcerated persons having symptoms of gender dysphoria who are housed at male institutions.

(2) TIAPPS--Designated Female Institutions (Rev. 11/23). This personal property schedule applies to transgender ~~inmates~~ incarcerated persons and ~~inmates~~ incarcerated persons having symptoms of gender dysphoria who are housed at female institutions.

Subsection 3190(f) remains unchanged.

(g) Upon an ~~inmate's~~ incarcerated person's transfer between institutions of the department, the sending institution shall inventory the ~~inmate's~~ incarcerated person's property and, pursuant to section 3191 ensure the proper disposition of property not allowed at the receiving institution as a result of privilege group, and/or security level, and/or institution mission changes.

(h) ~~Inmates~~ Incarcerated persons may acquire authorized ~~inmate~~ incarcerated person packages based upon their privilege group, pursuant to section 3044. ~~Inmate~~ Incarcerated person packages shall be ordered by ~~inmates~~ incarcerated persons or their correspondents via a departmentally-approved ~~inmate~~ incarcerated person package vendor. All packages shall be shipped to the ~~inmate's~~

incarcerated person's institution/facility by the departmentally-approved vendor in a sealed container. ~~Inmate~~ Incarcerated person packages, not including special purchases, are limited to a 30-pound maximum weight limit and maximum dimensions of 24" x 24" x 24".

(i) ~~Inmates~~ Incarcerated persons may possess allowable food and personal care/hygiene items, and personal clothing in their quarters/living areas, subject to section 3190(a), unless otherwise prohibited by these regulations. The total volume of canteen merchandise retained in possession of an ~~inmate~~ incarcerated person shall be pursuant to section 3094. ~~Inmates~~ Incarcerated persons shall be required to maintain their purchase receipt to verify purchases until such items are expended.

(j) ~~Inmates~~ Incarcerated persons shall be restricted to only clear (see-through) personal care/hygiene items encased in clear containers or tubing based upon industry availability. An exemption shall be authorized by the institution's health care manager or chief medical officer when an exemption to the clear item and/or clear case requirement is deemed medically necessary by a physician. Such exemption shall not exceed one (1) year. If the condition persists, the ~~inmate~~ incarcerated person shall submit another exemption request.

(k) ~~Inmates~~ Incarcerated persons shall only be permitted to possess state-issued clothing and authorized personal clothing subject to section 3190(a).

(l) ~~Inmates~~ Incarcerated persons shall be allowed special purchases of authorized personal property items from either departmentally-approved ~~inmate~~ incarcerated person package vendors, departmentally-approved vendors of religious items, or locally-approved special purchase vendors. The institution head or designated staff shall ensure approved vendor catalogs and order forms are available to ~~inmates~~ incarcerated persons who qualify. Special purchases shall only include the following:

Subsection 3190(l)(1) remains unchanged.

(2) Legal Material, including legal reference material, books, and legal pads not available in the institution canteen, pursuant to section 3161. There shall be no "Approved Vendor Lists" for any legal publications. ~~Inmates~~ Incarcerated persons may receive legal publications from any publisher, book store or book distributor that does mail order business.

Subsection 3190(l)(3) remains unchanged.

(4) Religious Items, as authorized by the Religious Personal Property Matrix. Special purchases of religious items will be from departmentally-approved vendors of religious items only. Departmental approval of vendors of religious items will be at the determination of the Statewide Religious Review Committee (SRRC). Departmental approval of each vendor's religious items offered for sale to be shipped to ~~inmates~~ incarcerated persons shall be in accordance with the Religious Personal Property Matrix as determined by the SRRC.

Subsections 3190(l)(5) through 3190(l)(6) remain unchanged.

(7) All publications, including books and subscriptions to periodicals, subject to section 3006. There shall be no "Approved Vendor Lists" for any publications. ~~Inmates~~ Incarcerated persons may receive publications from any publisher, book store or book distributor that does mail order business.

(8) Network capable tablets. ~~Inmates~~ Incarcerated persons expressly authorized by the Secretary to possess network capable tablets are listed in the Authorized Personal Property Schedules, pursuant to subsections 3190(b)(1)-(5).

(m) ~~Inmates~~ Incarcerated persons may be allowed to possess appliances and one musical instrument as follows:

(1) ~~Inmates~~ Incarcerated persons assigned to Privilege Groups A or B may possess up to three approved appliances in their quarters/living area, facility physical plant limitations permitting, and shall not exceed the six cubic feet maximum limitation. One musical instrument with case not exceeding 46" x 24" x 12" may be substituted as one of the three appliances.

(2) ~~Inmates~~ Incarcerated persons assigned to Privilege Group C may not possess entertainment appliances and/or a musical instrument. ~~Inmates~~ Incarcerated persons placed on Privilege Group C pursuant to a disciplinary action pursuant to subsections 3314(e)(3), 3315(f)(5)(C), or classification committee action shall have the disallowed property stored at the ~~inmate's~~ incarcerated person's institution.

~~Inmates~~ Incarcerated persons assigned to Privilege Group C by a classification committee as a result of being deemed a program failure as defined in Section 3000 who receive one or more additional Administrative or Serious Rules Violation Reports shall be required to mail out, return, donate, or dispose of disallowed property in accordance with Subsection 3191(c).

(3) ~~Inmates~~ Incarcerated persons assigned to a RHU or other restricted housing may possess or acquire one television or one radio or one television/radio combination unit, through the Special Purchase process, facility physical plant limitations permitting, and shall not exceed the six cubic feet maximum limitation. ~~Inmates~~ Incarcerated persons assigned to RHU are authorized two entertainment appliances. Eligibility to possess an entertainment appliance commences on the date of Privilege Group D assignment. An ~~inmate~~ incarcerated person who is deemed to be a program failure, as defined in section 3000, based on conduct prior to or while in the RHU or other restricted housing, shall have ~~his or her~~ their entertainment appliance stored by the institution pending removal of program failure designation. ~~Inmates~~ Incarcerated persons deemed a program failure as defined in section 3000 who receive one or more additional Administrative or Serious Rules Violation Reports while assigned to program failure status shall be required to mail out, return, donate or dispose of disallowed property in accordance with subsection 3191(c). An ~~inmate~~ incarcerated person who has not been deemed a program failure, but who is found guilty of any Rules Violation Report based on conduct while in the RHU or other restricted housing, is subject to temporary loss of the entertainment appliance as follows: (1) thirty days for the first offense; (2) sixty days for the second offense; and (3) ninety days for the third and subsequent offenses. ~~Inmates~~ Incarcerated persons assigned to Privilege Group D shall not possess a musical instrument.

(4) ~~Inmates~~ Incarcerated persons assigned to Privilege Group U shall not possess any appliances or musical instruments.

(5) ~~Inmates~~ Incarcerated persons housed at conservation camps shall not possess a television or television/radio combination.

(6) An ~~inmate~~ incarcerated person deemed to be a program failure, based on conduct prior to or while in the RHU or other restricted housing, shall have ~~his or her~~ their maximum monthly canteen draw items limited to stationery, stationery supplies, personal hygiene, vitamins and medications. ~~Inmates~~ Incarcerated persons may maintain their current canteen items, which must be verified

with a current receipt. Any subsequent canteen purchases while deemed a program failure shall be limited to stationery, stationery supplies, personal hygiene, vitamins and medication.

Subsection 3190(n) remains unchanged.

(o) ~~Inmates~~ Incarcerated persons who break or tamper with the seal of an appliance(s) may be subject to disciplinary action and confiscation of the item.

(p) ~~Inmates~~ Incarcerated persons ordering new or replacement appliances shall be required to purchase clear-case appliances, as they become available.

(q) ~~Inmate~~ Incarcerated person correspondents shall be permitted to purchase appliances for qualifying ~~inmates~~ incarcerated persons, including health care appliances, and Entertainment Appliances, Headphones/Earbuds and Musical Instruments, from either a departmentally-approved ~~inmate~~ incarcerated person package vendor or a locally-approved special purchase vendor, pursuant to section 3044.

(r) In addition to the six cubic feet limitation of authorized property, ~~inmates~~ incarcerated persons who participate in institution academic or Career Technical Educational programs shall be allowed to possess, in their quarters/living area, state provided textbooks/materials necessary to complete their education requirements. In accordance with section 3011, ~~inmates~~ incarcerated persons who do not return state textbooks in serviceable condition, may be charged a replacement fee, as determined by the supervisor of correctional education programs.

(s) ~~Inmates~~ Incarcerated persons may acquire and possess correspondence course materials, including textbooks, in their quarters/living area as approved by the supervisor of correctional education programs and designated custody staff pursuant to limitations in section 3190(b). Correspondence courses requiring tools, construction kits, or other materials that may pose a threat to the institution's security or the safety of persons shall not be allowed.

(t) The amount charged an ~~inmate~~ incarcerated person for a special purchase or ~~inmate~~ incarcerated person package shall include normal taxes and a 10% service charge based upon the purchase price. Service charges shall be deposited in the ~~inmate~~ Incarcerated ~~w~~Welfare ~~f~~Fund. Exception: The 10% service charge shall not be added to purchases of health care appliances, correspondence courses, nonfiction books, religious items, and legal materials.

(u) ~~Inmates~~ Incarcerated persons shall be permitted to possess membership cards, identification cards, or service-type cards in addition to those issued by the department in accordance with subsection 3237(c).

(v) All allowable ~~inmate~~ incarcerated person property shall be inventoried, documented, and stored for ~~inmates~~ incarcerated persons transferred Out-to-Medical or Out-to-Court, or placed in restricted housing, a Correctional Treatment Center, or an Outpatient Housing Unit, until the ~~inmate~~ incarcerated person returns.

(w) Privilege Group A or B ~~inmates~~ incarcerated persons placed in RHU shall have their property inventoried and stored pending the outcome of Initial Classification Committee review. If the ~~inmate~~ incarcerated person is released to general population and maintains their Privilege Group A or B assignment, all allowable property shall be returned. If the ~~inmate~~ incarcerated person is retained in RHU, all allowable property as determined by current departmental regulations shall be reissued to the ~~inmate~~ incarcerated person. If the ~~inmate~~ incarcerated person received a RHU term, the ~~inmate~~ incarcerated person shall be required to dispose of unallowable property due to

privilege group and/or security level and/or institution mission change in accordance with section 3191(c).

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984; *Armstrong v. Davis* Court Ordered Remedial Plan, Amended January 3, 2001, *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998; and *Quine v. Beard*, No. C 14-02726 JST, *Rhoades v. Montgomery*, No. EHC01917, *Taylor v. Hubbard*, No. CV-00404-BAM PC, *Rouser v. White* Settlement Agreement, No. CV-0767-LKK-GGH(PC); and Religious Land Use and Institutionalized Persons Act, 42 United States Code sections 2000cc et seq.

Section 3191 is amended to read:

3191. Property Registration and Disposition.

(a) Registerable personal property must be registered under the ~~inmate's~~ incarcerated person's name and number in the institution's ~~inmate~~ incarcerated person property records.

(b) ~~Inmates~~ Incarcerated persons are required upon request by institution staff to properly account for all registerable personal property registered in their name and number. An ~~inmate's~~ incarcerated person's failure to possess or properly account for personal property registered in the ~~inmate's~~ incarcerated person's name and number, or possession of property which is not registered in the ~~inmate's~~ incarcerated person's name and number will be cause for disciplinary action, including confiscation of the unregistered property. In all instances of confiscation, every reasonable effort will be made to determine the rightful owner of the property. The property will be returned to its rightful owner unless, as the result of disciplinary action for misuse of property, the ~~inmate's~~ incarcerated person's approval to possess the property is rescinded.

(c) ~~Inmate~~ Incarcerated person personal property not meeting the criteria in section 3190, shall be disposed of in accordance with this section. An ~~inmate~~ incarcerated person shall select one of the methods listed in sections 3191(c)(1) through 3191(c)(5) below for disposing of non-allowable personal property which is unauthorized pursuant to subsection (b) and section 3190. If the ~~inmate~~ incarcerated person makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition. Property that is considered contraband pursuant to section 3006(a) or (c) shall be retained by staff as may be required by ongoing investigation or court order. Following the completion of all disciplinary, investigative, or court requirements, the contraband property shall be disposed of according to institutional/facility procedures.

(1) Mail the item to an address of an individual willing to accept the personal property, provided by the ~~inmate~~ incarcerated person, via USPS or common carrier at the ~~inmate's~~ incarcerated person's expense. This option is not available for ~~inmates~~ incarcerated persons with insufficient trust account funds.

(2) Return the item to the sender via USPS or common carrier at the ~~inmate's~~ incarcerated person's expense. This option is not available for ~~inmates~~ incarcerated persons with insufficient trust account funds.

Subsections 3191(c)(3) through 3191(c)(5) remain unchanged.

(d) ~~Inmates~~ Incarcerated persons shall not send personal property to any state agency or agent of the state. Failure to comply may result in disciplinary action, and confiscation and/or disposal of the property.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

Section 3192 is amended to read:

3192. Possession and Exchange.

An ~~inmate's~~ inmate's incarcerated person's right to inherit, own, sell or convey real and/or personal property does not include the right to possess such property within the institutions/facilities of the department. An ~~inmate~~ inmate incarcerated person may not exchange, borrow, loan, give away or convey personal property to or from other ~~inmates~~ inmate incarcerated persons. Violation(s) of this rule may result in disciplinary action, and confiscation and/or disposal of the personal property.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

Section 3193 is amended to read:

3193. Liability.

(a) In permitting ~~inmates~~ inmate incarcerated persons to possess items of personal property while they are incarcerated, the department does not accept liability for the theft, loss, damage or destruction of such property resulting from the intentional or careless act or activities of any ~~inmate~~ inmate incarcerated person. The department does not accept liability for the loss or destruction of personal property in the ~~inmate's~~ inmate's incarcerated person's possession or control at the time of any willful act by the ~~inmate~~ inmate incarcerated person, such as escape, which exposes such property to loss or theft before it can be recovered and controlled by staff.

(b) The department shall accept liability for the loss or destruction of ~~inmate~~ inmate incarcerated person personal property when it is established that such loss or destruction results from employee action. ~~Inmates~~ Inmate incarcerated persons shall utilize the administrative remedies procedures if unable to resolve a personal property claim pursuant to section 3481. Upon acceptance of liability, the department shall provide to the ~~inmate~~ inmate incarcerated person similar items of equal or greater value when such items are available via donated property items. If donated items are not available, monetary compensation to the ~~inmate~~ inmate incarcerated person for such loss shall not exceed either the dollar value assigned to the item or items at the time the ~~inmate~~ inmate incarcerated person received authorization to possess the property; the cost of the item, verified by receipt; or the replacement value for the item or a similar item, as determined by the department. Staff recommendations to the Victim Compensation and Government Claims Board regarding monetary reimbursement will be made accordingly.

(c) The department shall not assume responsibility for property abandoned by an escapee until such time as the escape is discovered and the property is inventoried. Inventoried property shall be stored and final disposition of the property shall be pursuant to Penal Code 5062 and 5063.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2085, 2600, 2601, 5062 and 5063, Penal Code.

Section 3194 is amended to read:

3194. Extradition ~~Inmate~~ Incarcerated Person Property.

(a) ~~Inmates~~ Incarcerated or ~~parolees~~ supervised persons requiring extradition transport from any state or territory of the United States are personally responsible for the disposition of their personal

property. ~~Inmates~~ Incarcerated persons shall arrange with the holding agency for the disposal or storage or mailing of personal property prior to being transported by California state agents. State agents shall not be responsible for personal property remaining at the sending agency/institution. At no time shall ~~inmate~~ incarcerated person personal property be checked onto airplanes or transported in the aircraft's baggage compartment. The only exception shall be wheelchairs or other health care appliances.

(b) ~~Inmates~~ Incarcerated persons extradited to the custody of the department shall not retain any property on their person except prescribed eyeglasses or health care appliances. Only authorized property that can fit into a 10" x 12" clasp envelope, including, but not limited to prescription medication, jewelry, wallet, watch, family pictures, or printed material, shall be allowed to be transported. ~~Inmates~~ The incarcerated person's property shall be inventoried, recorded, and secured in the agent's carry-on baggage or secured compartment in a transportation vehicle. ~~Inmates~~ The incarcerated person may wear ~~his/her~~ their own clothing and shoes if deemed appropriate for transport purposes by the assigned state agents.

(c) ~~Inmates~~ Incarcerated persons extradited or transferred from the department to other jurisdictions, states or territories of the United States may be allowed to retain all or a portion of their property as determined by the transporting extradition agent. In cases where the transportation of personal property is not permitted, ~~inmates~~ incarcerated persons shall dispose of the property pursuant to subsection 3191(c)(3) through (5) or be provided the opportunity to select from the following options for the disposition of property:

(1) ~~Inmates~~ Incarcerated persons permanently transferring to the custody of another agency shall be provided the opportunity to send all property to an address of their choosing via USPS or common carrier at the ~~inmate's~~ incarcerated person's expense.

(2) Indigent ~~inmates~~ incarcerated persons permanently transferring to the custody of another agency may send their personal property to an individual willing to accept the personal property at the expense of the department.

(3) ~~Inmates~~ Incarcerated persons temporarily transferring out-to-court or other temporary transfers out-of-state shall have property stored at the institution/facility pending their return to custody, parole or discharge. Disposition of unclaimed property shall be in accordance with PC 5062, 5063 and 5064.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 5062, 5063 and 5064, Penal Code.

Section 3195 is amended to read:

3195. Release Clothing.

~~Inmates~~ Incarcerated persons scheduled for release and placement to the Alternative Custody Program (ACP), parole or awaiting discharge may receive a release clothing package via U.S. Postal Service or common carrier no earlier than 30 days prior to their scheduled release to ACP, parole or discharge date. ~~Inmate~~ Incarcerated person release clothing packages, limited to one set of clothing, shall be retained in a secure location by the department until their release.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Section 1170.05 and 5054, Penal Code.

Subchapter 3. ~~Inmate~~ Incarcerated Person Activities

Article 1. Religious Program

Section 3210 is amended to read:

3210. Establishment of Religious Programs.

(a) Institution heads shall make every reasonable effort to provide for the religious and spiritual welfare of all interested ~~inmates~~ incarcerated persons, including, but not limited to, affording ~~inmates~~ incarcerated persons a reasonable accommodation to attend a scheduled Religious Service if they are unable to do so due to conflicting work/education assignments. Reasonable accommodation may include, but is not limited to, modified work schedule, use of accrued time or allowable breaks, granting of a job/assignment change, changes of regular days off, etc. Use of reasonable accommodation shall in no way adversely impact an ~~inmate's~~ incarcerated person's credit earning status.

(b) Depending upon the number of ~~inmates~~ incarcerated persons of the various faiths, chaplains may be employed or their services may be accepted on a nonpaid volunteer basis. When feasible, separate space for services of the faith groups represented by a substantial number of ~~inmates~~ incarcerated persons shall be provided. However, in some facilities, such as camps, it shall be necessary for the various faith groups to share such space as is available for religious services.

Subsections 3210(c) through 3210(d) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code; and Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, *et seq.*

Section 3211 is amended to read:

3211. Inmate Incarcerated Person Ministers.

(a) When a chaplain of a particular faith cannot be obtained to conduct services within a facility housing ~~inmates~~ incarcerated persons of that faith, the institution head may at their discretion and subject to such controls reasonably required for facility security, designate a qualified ~~inmate~~ incarcerated person to minister to the religious needs of ~~inmates~~ incarcerated persons for that specific faith. In determining the qualifications of an ~~inmate~~ incarcerated person to conduct such services, the institution head will, whenever possible, seek the advice and counsel of outside religious leaders of that faith.

(b) An ~~inmate~~ incarcerated person shall not be assigned as a minister on a full-time basis in lieu of a regular ~~inmate~~ incarcerated person work/training incentive program assignment, be considered as a state employee, or be paid by the state for their services.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code.

Section 3213 is amended to read:

3213. Stipulations Regarding Ceremonial Drink, Religious Items, and Sanctuaries.

Subsection 3213(a) remains unchanged.

(b) An ~~inmate~~ incarcerated person may possess any religious item authorized in the Religious Personal Property Matrix (RPPM) (Rev. 6/27/13), which is incorporated by reference in subsection 3190(b). As defined in the RPPM, and subject to reasonable search by staff, an ~~inmate~~ incarcerated

person may wear or carry at any time, the following: beaded headband, beaded wrist band, beaded choker, religious medallion and chain, religious headgear, medicine bag, prayer beads, and tallit katan/tsitsit.

(c) Medicine bags shall be constructed of soft leather or other natural material without a lining and shall not exceed 2 x 3 inches in diameter. The bag shall be constructed to be closed with a drawstring. During a search of an ~~inmate's~~ incarcerated person's medicine bag, the ~~inmate~~ incarcerated person shall empty the medicine bag of its contents in the presence of staff. Staff shall then visually inspect the medicine bag and its contents for contraband. Any contraband items that are found shall be disposed of in accordance with subsection 3191(c). The ~~inmate~~ incarcerated person shall return any non-contraband items into the medicine bag.

Subsection 3213(d) remains unchanged.

(e) The institution head or designee retains the authority to remove or restrict use of an approved religious item in accordance with subsection 3006(d), based on a serious threat to facility security or to the safety of ~~inmates~~ incarcerated persons and staff, and to the degree necessary to eliminate the threat. The removal or restriction may continue for a period of up to 30 calendar days and shall be documented on a CDC Form 128-A (Rev. 4/74), Custodial Counseling Chrono, pursuant to section 3312. Removal or restriction of an approved religious item for longer than 30 calendar days shall require approval by the Associate Director of the Statewide Religious Review Committee (SRRC), as defined in section 3000. At the end of the removal or restriction period, either of the following will occur:

(1) If the Associate Director of the SRRC does not approve an extension, the restriction shall be lifted and the item(s) shall be returned to the ~~inmate~~ incarcerated person and documented on the CDC Form 128-A.

Subsections 3213(e)(2) through 3213(f) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code; and Section 1996, Title 42, United States Code.

Article 1.5. ~~Inmate~~ Incarcerated Person Marriages

Section 3216 is amended to read:

3216. Marriages.

(a) ~~Inmate~~ Incarcerated person marriages shall be permitted in accordance with the provisions of law and these regulations.

(b) The ~~inmate's~~ incarcerated person's marriage request shall be processed by the ~~inmate's~~ incarcerated person's caseworker or other staff person designated by the institution head who shall provide all necessary information to the office of the county clerk or clergy person.

(c) ~~Inmate~~ Incarcerated person marriages shall be solemnized at the institution/facility by an individual authorized to solemnize marriages, as designated in Family Code Sections 400 and 402.

(d) For the purpose of this section, a chaplain shall mean those persons defined in section 3000. Institution/facility chaplains may solemnize ~~inmate~~ incarcerated person marriages. Institution/facility chaplains, if designated, shall be required to process the request or facilitate a marriage. Institution/facility chaplains shall establish religious criteria to be met by the ~~inmates~~ incarcerated persons and this criteria shall be provided by the chaplains to their supervisors.

(e) Attendance at a marriage ceremony shall be limited to the bride, groom, two ~~inmate~~ inmate incarcerated guests, the official solemnizing the ceremony, and ten non-~~inmate~~ inmate incarcerated guests. ~~Inmate Incarcerated~~ guests may attend only if their ~~Inmate~~-Work Incentive Program schedules are not interrupted.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(f) and 5054, Penal Code; and Sections 300, 350-359, 400-402 and 500, Family Code.

Article 2. Recreational and Physical Education Programs

Section 3220 is amended to read:

3220. Recreational and Physical Education Program Participation.

(a) Interested ~~inmates~~ inmate incarcerated persons shall be provided an equal opportunity to participate in constructive recreational and physical education programs under safe and secure conditions, consistent with the ~~inmate's~~ inmate incarcerated person's custodial classification, work/training assignment, privilege group and security requirements.

(b) The recreation program may operate seven days a week with specific program, gymnasium and/or yard schedules established by the institution head. Notices of tournaments and special events shall be posted in locations accessible to all ~~inmates~~ inmate incarcerated persons.

(c) Employees shall not participate in ~~inmate~~ inmate incarcerated person contests, except as a coach, instructor or official, unless authorized to do so by the institution head.

(d) Prizes and trophies may be purchased using ~~inmate~~ inmate incarcerated welfare funds and awarded to ~~inmates~~ inmate incarcerated persons participating in activities and contests. An award, prize, trophy or certificate of participation in a recreation or physical education event shall be delivered to the participant ~~inmate~~ inmate incarcerated person as soon as possible following approval by the coordinator of the activity or event involved.

(e) Competition between outside public teams and ~~inmate~~ inmate incarcerated person teams may be permitted only within the facility and under the direct supervision of staff.

(f) ~~Inmates~~ Inmate incarcerated persons may voluntarily participate only in those contests, games, and/or athletic activities which have been specifically authorized by the institution head or the institution head's designee.

(g) ~~Inmate~~ Inmate incarcerated person weight lifting programs and equipment shall not be permitted at departmental institution/facilities. Exceptions shall be permitted as specifically authorized by the director, in compliance with Penal Code Section 5010.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5010 and 5054, Penal Code.

Section 3220.1 is amended to read:

3220.1. Recreation and Physical Education Program Safety.

Subsection 3220.1(a) remains unchanged.

(b) ~~Inmates~~ Inmate incarcerated persons shall not be allowed to participate in the boxing program without written medical clearance.

Subsection 3220.1(c) remains unchanged.

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

Section 3220.2 is amended to read:

3220.2. Academic Standards.

All academic recreation, physical education and physical fitness training programs provided at departmental institutions/facilities shall be based upon curriculum frameworks adopted by the Board of Education. Lesson plans, competency testing, standards, course outlines, teacher/~~inmate~~ incarcerated person enrollment ratios, instructional specialization and all related academic and educational requirements shall be in accordance with the appropriate curriculum framework.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 60200-60206, Education Code; and Section 5054, Penal Code.

Section 3220.3 is amended to read:

3220.3. Conservation Camp Programs.

Conservation camps shall provide recreation and physical education program opportunities for their respective ~~inmate~~ incarcerated populations. These opportunities shall be compatible with camp operations, staffing and the geographic location of the camp.

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

Section 3220.4 is amended to read:

3220.4. Movies or Videos for ~~Inmate~~ Incarcerated Person Viewing.

(a) Only movies or videos approved by the institution head or ~~his/her~~ their designee (reviewer) may be scheduled for viewing by ~~inmates~~ incarcerated persons.

(b) Only those movies or videos which have been given a rating of “G,” “PG,” or “PG-13” by the Motion Picture Association of America (MPAA) or that have been placed on the department's discretionary showing list may be considered for viewing. Movies or videos which have been given a rating of other than “G,” “PG,” or “PG-13” by the Motion Picture Association of America shall not be approved for general ~~inmate~~ incarcerated person viewing. Regardless of their rating or listing, movies or videos which, in the opinion of the reviewer, glorify violence or sex, or are inflammatory to the climate of the facility shall not be shown.

(c) The selection or exclusion of a movie or video by a facility may be challenged by members of the public by writing to the director, grieved by ~~inmates~~ incarcerated persons by following the administrative remedies procedures as stated in section 3480 et seq., and grieved by staff by pursuing grievance procedures in accordance with their collective bargaining unit's contract or memorandum of understanding.

Subsection 3220.4(d) remains unchanged.

(1) Movies or videos which have not been rated may be submitted to the director for the committee's consideration for general ~~inmate~~ incarcerated person viewing.

(2) Movies or videos which have an MPAA rating of other than “G,” “PG,” or “PG-13,” or have not been rated by the MPAA, may be submitted to the director by the facility reviewer or a contract vendor for the committee's consideration for specified limited ~~inmate~~ incarcerated person viewing purposes (e.g., education or contracted service vendor programs).

(3) Movies which are challenged by the public, appealed by ~~inmates~~ incarcerated persons, and grieved by staff pursuant to subsection (c) of this section shall be reviewed by the committee at the director's discretion.

(e) The committee may determine a movie or video to be unacceptable for ~~inmate~~ incarcerated person viewing, acceptable for general ~~inmate~~ incarcerated person viewing, or acceptable for specified limited ~~inmate~~ incarcerated person viewing purposes.

(f) The committee will place movies or videos on a statewide “discretionary showing list” under the category of “approved for all purposes,” or under the category of “approved for specified limited ~~inmate~~ incarcerated person viewing purposes” (specifying the limited or special purpose for which the movie is being approved), or under the category of “unacceptable for ~~inmate~~ incarcerated person viewing.” A movie or video's placement on the list as approved will not require that it be shown by a facility.

NOTE: Authority cited: Sections 5058 and 10006(b), Penal Code. Reference: Sections 2601(c), 5054 and 10006(b), Penal Code.

Section 3220.5 is amended to read:

3220.5. State-Owned Television Sets.

(a) State-owned television sets provided for ~~inmate~~ incarcerated person viewing shall be moved only by designated staff.

Subsection 3220.5(b) through remains unchanged.

(c) The viewing schedule for each state-owned television set shall be determined under the supervision of staff by a vote of the ~~inmates~~ incarcerated persons using the set. Program viewing schedules shall be displayed next to the television set and shall be removed or changed only by staff.

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

Article 3. ~~Inmate~~ Incarcerated Councils, Committees, and Activity Groups

Section 3230 is amended to read:

3230. Establishment of ~~Inmate~~ Incarcerated Person Advisory Councils.

(a) Each warden shall establish an ~~inmate~~ incarcerated person advisory council which is representative of that facility's ~~inmate~~ incarcerated person ethnic groups. At the discretion of the warden, subcommittees of the council may also be established to represent subfacilities or specialized segments of the ~~inmate~~ incarcerated population.

(1) Council members shall serve to advise and communicate with the warden and other staff those matters of common interest and concern to the ~~inmate~~ incarcerated general population.

(2) The council shall operate only under the constitution and by-laws as prepared by the council's ~~inmate~~ incarcerated person representatives, with the advice and guidance of designated staff and approved by the warden.

Subsection 3230(a)(3) remains unchanged.

(b) An inmate's incarcerated person's eligibility for nomination, election and retention as an inmate incarcerated person advisory council representative shall be limited only by the inmate's incarcerated person's ability to effectively function in that capacity as determined by the warden.

(1) Upon the inmate's incarcerated person's request, that inmate incarcerated person shall be provided, in writing, the reasons for the determination of ineligibility.

(2) A disciplinary infraction shall not necessarily bar an inmate incarcerated person from serving as a council representative unless the infraction is determined by the warden to be detrimental to the council's effectiveness.

Subsection 3230(b)(3) remains unchanged.

(4) The membership of representatives or the activities of the entire council may be suspended when the warden determines that the representative or council presents a threat to facility security or the safety of persons, or that the representative's or council's actions are counterproductive to the best interest and welfare of the general inmate incarcerated population. If a council's activities are suspended, the warden shall notify the general inmate incarcerated population of that action and the reasons therefor.

(c) Only inmates incarcerated persons shall nominate and elect inmate incarcerated person advisory council representatives.

(1) Each inmate incarcerated person shall have an equal vote in the election of their council representatives.

Subsections 3230(c)(2) through 3230(c)(5) remain unchanged.

(d) Inmate Incarcerated person advisory council representatives shall not, as a council representative, become involved with inmate incarcerated person grievances or appeals unless the matter affects the general inmate incarcerated population and such involvement is authorized by the warden.

Subsections 3230(d)(1) through 3230(d)(4) remain unchanged.

(e) Each inmate incarcerated person advisory council shall maintain a permanent record of formal meetings, whether staff were present or not.

Subsections 3230(e)(1) through 3230(e)(2) remain unchanged.

(f) Inmate Incarcerated person advisory council representatives may, through designated staff and with the approval of the wardens of both facilities, correspond and exchange copies of meeting agenda and minutes with councils at other department facilities. The warden denying such exchanges shall provide the originating council chairperson with written reasons for the denial.

(g) The inmate incarcerated person advisory council shall be provided, when available, adequate facilities, equipment and supplies to carry out its approved activities and functions.

Subsections 3230(g)(1) through 3230(g)(1)(C) remain unchanged.

(D) Bulletin boards in locations frequented by the represented inmate incarcerated population.

(E) Copies of Notices of Change to Secretary's Rules, Administrative Bulletins, and other nonconfidential directives and announcements which concern the general inmate incarcerated population.

(2) A means for distributing approved council materials to the general ~~inmate~~ incarcerated population shall be established. Wardens may permit such means to include the use of facility publications and radio systems.

Subsection 3230(g)(3) remains unchanged.

(h) A staff person at the level of a program administrator or higher shall be designated as the ~~inmate~~ incarcerated person advisory council coordinator.

Subsections 3230(h)(1) through 3230(h)(3) remain unchanged.

(4) Correctional lieutenants and sergeants in charge of ~~inmate~~ incarcerated person living areas on each watch shall work directly with council representatives on issues and concerns resolvable at their level of authority.

(i) The warden or their designate shall meet with the ~~inmate~~ incarcerated person advisory council representatives at least once each calendar month. Apart from the warden's meeting, coordinators shall also meet with council representatives at least once each calendar month.

Subsections 3230(i)(1) through 3230(i)(3) remain unchanged.

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

Section 3231 is amended to read:

3231. ~~Inmate~~ Incarcerated Committees.

An institution head may appoint committees of ~~inmates or parolees~~ incarcerated or supervised representative of the ~~inmate or parolee~~ incarcerated or supervised population to perform special services or act as a representative group for special purposes and under the conditions specified in the appointment document. Such committees, unless composed exclusively of ~~inmate~~ incarcerated person advisory council representatives, shall not be affiliated with a facility's ~~inmate~~ incarcerated person advisory council.

NOTE: Authority cited: Section 5058 and 6252, Penal Code. Reference: Section 5054, Penal Code.

Section 3232 is amended to read:

3232. ~~Inmate~~ Incarcerated Person Participation in Committees.

~~Inmate~~ Incarcerated person participation as a council representative or special committee member shall be voluntary. Each ~~inmate~~ incarcerated person who volunteers for such an assignment shall comply with all department and facility requirements governing such participation.

NOTE: Authority cited: Section 5058 and 6252, Penal Code. Reference: Section 5054, Penal Code.

Section 3233 is amended to read:

3233. ~~Inmate~~ Incarcerated Leisure Time Activity Groups.

Institution heads may permit the formation of ~~inmate~~ incarcerated leisure time activity groups which promote educational, social, cultural and recreational interests of participating ~~inmates~~ incarcerated persons. Group activities which violate or advocate violating the law, regulations or local procedures are prohibited.

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

Section 3234 is amended to read:

3234. Establishment of ~~Inmate~~ Incarcerated Leisure Time Activity Groups.

(a) Each institution head shall provide for the formation of ~~inmate~~ incarcerated leisure time activity groups within the facility. No activity group shall be formed or operated without the written approval of the institution head or their designee.

(b) ~~Inmates~~ Incarcerated persons proposing to form an activity group shall submit a proposed plan of operation for the institution head's or designee's approval. The proposed plan of operation shall include the following:

Subsection 3234(b)(1) remains unchanged.

(2) The purpose of the group with an explanation of the expected benefits to the ~~inmate~~ incarcerated participants and to the facility, justifying the use of state resources to accommodate the group.

(3) Membership criteria. Membership to an activity group shall not be denied on the basis of an ~~inmate's~~ incarcerated person's race, creed, color, age, national origin, ancestry, gender, marital status, disability, religious or political affiliation, sexual orientation, or on the ~~inmate's~~ incarcerated person's inability or refusal to pay membership fees, dues or donations to the group.

Subsections 3234(b)(4) through 3234(f)(1) remain unchanged.

(A) Deposited into the ~~inmate~~ incarcerated welfare fund account.

Subsections 3234(f)(1)(B) through 3234(f)(2) remain unchanged.

(A) Placed on the ~~inmate~~ incarcerated welfare fund property inventory.

(B) Donated to another ~~inmate~~ incarcerated activity group.

(C) Sold to another ~~inmate~~ incarcerated activity group. Proceeds of such sales shall be deposited into the ~~inmate~~ incarcerated welfare fund account.

Subsections 3234(f)(2)(D) through 3234(f)(2)(E) remain unchanged.

(g) The bylaws for any approved group shall be accessible to all ~~inmates~~ incarcerated persons in the facility. A copy shall be given to any requesting member of the public.

NOTE: Authority cited: Sections 5058 and 6252, Penal Code. Reference: Section 5054, Penal Code.

3235. Termination of an ~~Inmate~~ Incarcerated Leisure Time Activity Group.

Subsection 3235(a) remains unchanged.

(1) The group's activities threaten facility security or the safety of staff, ~~inmates~~ incarcerated persons or the public.

Subsections 3235(a)(2) through 3235(b) remain unchanged.

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

Section 3236 is amended to read.

3236. Attendance at Group Activities.

Attendance at a group's activities by ~~inmates~~ incarcerated persons who are not members, by members who are not ~~inmates~~ incarcerated persons, or by guests or spectators may be permitted if requested by the group's employee sponsor and approved by the institution head or designee. The number of such persons permitted to attend may be restricted for security reasons or if facility resources cannot accommodate the additional attendance.

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

3237. ~~Inmate~~ Incarcerated Person Membership in Outside Organizations.

(a) ~~Inmates~~ incarcerated persons may obtain and retain membership in outside organizations and associations provided such membership does not threaten facility security or the safety of staff, ~~inmates~~ incarcerated persons, or the public; and creates no financial burden on the state.

(b) An ~~inmate's~~ incarcerated person's membership in an outside organization shall not entitle any member to conduct the organization's activities within a facility, or to ~~inmate~~ incarcerated members in department or facility matters, except as specifically approved by the institution head or the director.

(c) Unless such an act would jeopardize facility security or safety of persons, ~~inmate~~ incarcerated members of outside organizations shall be permitted to possess membership cards and to wear membership buttons and lapel pins of such organizations. The official denying such items shall provide the affected ~~inmates~~ incarcerated persons with written notice of the reasons for the denial.

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

Article 4. ~~Inmate~~ Incarcerated Person Fund Raising Campaigns and the ~~Inmate~~ Incarcerated Welfare Fund

Section 3240 is amended to read:

3240. ~~Inmate~~ Incarcerated Person Fund-Raising Campaigns.

(a) Institution heads may authorize for each approved ~~inmate~~ incarcerated activity group up to three campaigns annually for one or more of the following:

Subsections 3240(a)(1) through 3240(a)(2) remain unchanged.

(b) Each approved ~~inmate~~ incarcerated group may raise funds by soliciting ~~inmate~~ incarcerated person donations or selling approved products, commodities, or services to general population ~~inmates~~ incarcerated persons.

(1) Only ~~inmates~~ incarcerated persons shall be solicited for contributions unless the institution head approves solicitation of staff.

(2) Fund-raising activities shall be conducted only during ~~inmate~~ incarcerated person and staff sponsor off-duty time.

(c) No form of coercion shall be used on any ~~inmate or parolee~~ incarcerated or supervised person to participate in a campaign or fund-raiser, or to make a nonvoluntary donation.

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

Section 3240.1 is amended to read:

3240.1. Donations.

~~Inmates~~ Incarcerated persons may with permission of the institution head make voluntary donations from their trust account funds for any approved reason or cause. Permission shall be denied if any of the following exist:

Subsection 3240.1(a) remains unchanged.

(b) The ~~inmate's~~ incarcerated person's trust account balance is less than the amount of the proposed donation.

(c) The ~~inmate~~ incarcerated person is mentally incompetent.

Subsections 3240.1(d) through 3240.1(e) remain unchanged.

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

Section 3240.2 is amended to read:

3240.2. ~~Inmate~~ Incarcerated Welfare Fund Processing Fees.

(a) Ten percent shall be deducted from ~~inmate~~ incarcerated person donations for deposit in the ~~inmate~~ Incarcerated ~~Welfare~~ Fund to offset trust office transaction processing costs.

Subsection 3240.2(b) remains unchanged.

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

Article 5. Institution Publications

Section 3250 is amended to read:

3250. ~~Inmate~~ Incarcerated Publications.

(a) As used in this article, an ~~inmate~~ incarcerated publication means any journal, magazine, bulletin, newsletter, newspaper, or other material published by ~~inmates~~ incarcerated persons.

(b) ~~Inmates~~ incarcerated persons may participate in the publication and distribution of an ~~inmate~~ incarcerated publication only with the institution head's specific approval.

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

Section 3250.1 is amended to read:

3250.1. Material Prohibited from ~~Inmate~~ Incarcerated Publications.

(a) ~~Inmate~~ Incarcerated publications shall not contain material the institution head determines to be a threat to facility security or the safety of persons, or ~~determines~~ determines that it:

Subsections 3250.1(a)(1) through 3250.1(a)(4) remain unchanged.

(b) The names or photographs of ~~inmates~~ incarcerated persons or staff shall not be used without the individual's written permission.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; In re Williams (1984) 159 C.A. 3d 600, 205 Cal.Rptr. 903; Bailey v. Loggins (1982) 32 C.3d 907, 187 Cal.Rptr. 575; Diaz et al. v. Watts (1987) 189 Cal.App.3d 657, 234 Cal.Rptr. 334; and Miller v. California (1973) 413 U.S. 15, 93 S.Ct. 2607, reh'g. den 414 U.S. 881, 94 S.Ct. 26.

Section 3250.2 is amended to read:

3250.2. ~~Inmate~~ Incarcerated Publication Disclaimer and Editing Authority.

(a) ~~Inmate~~ Incarcerated publications shall include a disclaimer that the opinions expressed therein are the author's and do not necessarily represent the position of the facility or department.

(b) The institution head shall designate an administrative editor and a supervising editor who shall oversee the editorial correctness of the ~~inmate~~ incarcerated publication and ensure compliance with relevant laws and regulations.

Subsection 3250.2(c) remains unchanged.

(d) The supervising editor shall be an instructor in journalism or other qualified employee appointed by the institution head and shall approve or reject articles, illustrations, and layouts proposed for publication by the ~~inmates~~ incarcerated persons.

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

Section 3250.3 is amended to read:

3250.3. Resolution of ~~Inmate~~ Incarcerated Publication Editing Disagreements.

Disagreements about language, content, or acceptability of a proposed article or edition shall be resolved as follows:

(a) Any unresolved disagreement between the supervising editor and ~~inmate~~ incarcerated publication staff shall be referred to the administrative editor for resolution. The administrative editor shall render a decision, which may include reasonable editorial changes, within three working days.

Subsection 3250.3(b) remains unchanged.

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

Section 3250.4 is amended to read:

3250.4. Termination of an ~~Inmate~~ Incarcerated Publication.

The termination of any ~~inmate~~ incarcerated publication for other than the temporary suspension of publication during a lockdown, modified program or other declared emergency shall require the director's approval.

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

Subchapter 4. General Institution Regulations

Article 1. Public Information and Community Relations

Section 3260 is amended to read:

3260. Public Access to Facilities and Programs.

Correctional facilities and programs are operated at public expense for the protection of society. The public has a right and a duty to know how such facilities and programs are being conducted. It is the policy of the department to make known to the public, through the news media, through contact with public groups and individuals, and by making its public records available for review by interested persons, all relevant information pertaining to operations of the department and

facilities. However, due consideration will be given to all factors which might threaten the safety of the facility in any way, or unnecessarily intrude upon the personal privacy of ~~inmates~~ incarcerated persons and staff. The public must be given a true and accurate picture of department institutions and parole operations.

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

Section 3261.1 is amended to read:

3261.1. Media Access to Facilities.

Subsection 3261.1(a) remains unchanged.

(1) Facilities, on-duty staff, ~~inmates~~ incarcerated persons or records under control of the department shall not be used in conjunction with film making, radio or television programs, or the writing of books, magazine articles or syndicated stories without prior approval of the Secretary of the CDCR or designee.

Subsections 3261.1(a)(2) through 3261.1(c) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and sections 1798.20, 1798.30 and 1798.40-42, Civil Code.

Section 3261.2 is amended to read:

3261.2. Authorized Release of Information.

Subsections 3261.2(a) through 3261.2(b) remain unchanged.

(c) Information pertaining to a Division of Juvenile Justice ~~ward~~ incarcerated person shall not be released to the media or the public, except as provided in subsection 3261.7(c)(3).

(d) Information derived from a person's Criminal Identification and Investigation Report shall not be provided to the media or to the public. Information about the State prison history of ~~parolees~~ supervised persons or former offenders who have been arrested or are under investigation by an outside law enforcement agency will only be released with authorization from the arresting or investigating agency.

(e) Including the limitations of (c) and (d) above, the only ~~inmate or parolee~~ incarcerated or supervised person data which may be released without a valid written authorization from the ~~inmate or parolee~~ incarcerated or supervised person to the media or to the public includes the ~~inmate's or parolee's~~ incarcerated or supervised person's:

Subsections 3261.2(e)(1) through 3261.2(g) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 56.10, 1798.20, 1798.30 and 1798.40-42, Civil Code; Sections 6250-6276.48, Government Code; Code of Federal Regulations, Title 45, Parts 160 and 164; *Michael Broadheim v. CDCR* (Super. Ct San Francisco County, 2020, No. CPF-20-516978); and *Catalin Voss, Yun Hong, Kristen Bell, and Nicholas McKeown v. CDCR* (Super. Ct San Francisco County, 2020, No. CPF-20-517117).

Section 3261.3 is amended to read:

3261.3. Notifying Media of Escapes.

(a) In the event of an actual or suspected escape, the facility or regional public information officer, or off-duty hours designee, shall notify radio and television stations and newspapers in the surrounding communities and the missing ~~inmate's~~ incarcerated person's home community.

(1) The missing ~~inmate's~~ incarcerated person's physical description, estimated time of disappearance and other pertinent details shall be provided.

Subsection 3261.3(a)(2) remains unchanged.

(b) When available, the missing ~~inmate's~~ incarcerated person's identification photograph or short escape bulletin shall be furnished to the notified television stations and newspapers.

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

Section 3261.5 is amended to read:

3261.5. Routine Media interviews.

Subsections 3261.5(a) through 3261.5(a)(2) remain unchanged.

(b) News media and non-news media representatives shall be allowed to interview ~~inmates~~ incarcerated persons in person in accordance with the visiting requirements of sections 3170 through 3176.3.

(1) No ~~inmate or parolee~~ incarcerated or supervised person may have ~~his or her~~ their visitation limited or revoked solely because of a visit or potential visit from a news media or non-news media representative, nor may an ~~inmate or parolee~~ incarcerated or supervised person be punished, reclassified, disciplined, transferred to another prison against ~~his or her~~ their wishes, or otherwise retaliated against, solely for participating in a visit by, or communicating with, a news media or non-news media representative.

Subsection 3261.5(b)(2) remains unchanged.

(c) ~~Inmate~~ incarcerated person telephone calls to news media and non-news media representatives shall be allowed in accordance with section 3282 and may be recorded by the media representative with the ~~inmate's~~ incarcerated person's consent.

Subsections 3261.5(d) through 3261.5(d)(1) remain unchanged.

(2) Non-news media representative requests for access to departmental facilities, on-duty staff or ~~inmates~~ incarcerated persons shall include project and production details as necessary to determine security and operational impacts.

Subsection 3261.5(d)(3) remains unchanged.

(e) News media and non-news media representatives may be allowed access to a restricted housing unit with the prior approval of the institution head.

Subsections 3261.5(e)(1) through 3261.5(e)(2) remain unchanged.

(f) News media and non-news media representatives may be permitted random face-to-face interviews with ~~inmates or parolees~~ incarcerated or supervised persons housed in facilities under the jurisdiction of the department, and random or specific-person face-to-face interviews with staff.

Such interviews shall be conducted as stipulated by the institution head, including restricting the time, place and duration of interviews, and size of technical crews.

Subsection 3261.5(f)(1) remains unchanged.

(2) ~~Inmates~~ Incarcerated persons may not participate in specific-person face-to-face interviews except as provided in subsection 3261.5(b).

(g) Use of cameras or recording equipment shall require prior approval of the institution head or designee. Photographs, films or video recording of ~~inmates~~ incarcerated persons shall be allowed in accordance with section 3261.7.

Subsection 3261.5(h) remains unchanged.

(i) No ~~inmate~~ incarcerated person, ~~parolee~~ supervised person or staff shall be interviewed against their will.

(j) CDCR Form 146 (Rev. ~~06/08~~07/24), ~~Inmate~~ Incarcerated Person Declaration To News Media Contact, shall be completed whenever an ~~inmate~~ incarcerated person is the subject of an interview, still photograph, motion picture or other recording intended for use by a television or radio station, or newspaper, magazine or other publication.

(k) One employee shall witness the ~~inmate's~~ incarcerated person's signature on the completed CDCR Form 146.

(l) ~~Inmates~~ Incarcerated persons under 18 years of age shall not be photographed, filmed or video recorded.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code; and *Pell v. Procunier*, 94 S.Ct. 2800 (1974).

Section 3261.6 is amended to read:

3261.6. Access to Correctional Health Care Facilities and Patients.

(a) News and non-news media representatives may be allowed controlled access under institution escort to patients and their housing areas in order to safeguard the public's right to know while respecting patients' legal right to health care privacy. The Assistant Secretary, Communications; the Undersecretary of Health Care Services; and institution health care staff shall be notified in advance of all news media events involving ~~inmate~~ patients. Access shall require approval of the Warden, the Health Care Chief Executive Officer (CEO), and the Assistant Secretary, Communications, or their designee.

Subsections 3261.6(b) through 3261.6(f) remain unchanged.

(g) News and non-news media access to units housing seriously or terminally ill ~~inmates~~ incarcerated persons may be permitted on a case-by-case basis. Consideration shall be given to factors that may disrupt the operation of the unit. Participation is restricted to patients who have the capacity for giving informed consent. Filming, video and/or audio recording, and photographing will not be allowed of patients who do not have the capacity to give informed consent.

(h) News and non-news media interviews shall not be permitted with an ~~inmate~~ incarcerated person suffering from a mental illness which, in the opinion of a psychiatrist or psychologist, renders them incapable of giving informed consent or their condition may be worsened by such an interview.

Individuals who are severely ill or injured, medicated, are cognitively impaired, suffer from dementia, or are experiencing severe pain, anguish or grief often lack the capacity to give consent and shall not be approached by news and non-news media representatives. Consent shall only be obtained from patients who are awake, alert and have the capacity to understand the consequences of giving informed consent.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 1798.41 and 1798.42, Civil Code; and Code of Federal Regulations, Title 45, Parts 160 and 164.

Section 3261.7 is amended to read:

3261.7. Cameras and Other Audio or Visual Recording Devices.

(a) Staff cannot prohibit a person who is not on State or leased property under CDCR's jurisdiction from photographing, filming, videotaping or otherwise recording any department facilities, employees, ~~inmates~~ incarcerated persons, ~~parolees~~ supervised persons or equipment.

(b) Persons are prohibited from interrupting, interfering or communicating with an ~~inmate~~ incarcerated person being transported or working off facility grounds without prior authorization of the staff person in charge or institution head.

(c) Photographs, films or videotapes for other than department purposes which reveal an ~~inmate's~~ incarcerated person's identity may be taken within a facility subject to the following conditions:

(1) A CDCR Form 146 (Rev. ~~06/08~~07/24), ~~Inmate~~ Incarcerated Person Declaration to News Media Contact, shall be completed for each ~~inmate~~ incarcerated person before a photograph, film, audio recording, or videotape identifying the ~~inmate~~ incarcerated person may be taken.

(2) An ~~inmate's~~ incarcerated person's consent is not required where individuals in such settings as an exercise yard or dining hall are not singled out or where the ~~inmate's~~ incarcerated person's identity is not revealed; however, before such shots are taken, ~~inmates~~ incarcerated persons shall be advised so those who do not want to be recognized may turn away or leave the area.

(3) Photographs, films or videotapes revealing the identity of an ~~inmate~~ incarcerated person committed to the Division of Juvenile Justice shall not be made available other than for official purposes such as an escape.

(d) Unless there is a specified threat of imminent danger to an ~~inmate or parolee~~ incarcerated or supervised person by releasing their departmental identification photograph, or unless the release of their photograph could jeopardize an ongoing law enforcement investigation, news media representatives as defined in subsection 3261.5(a)(1) and non-news media representatives as defined in subsection 3261.5(a)(2) shall be permitted access to photographs without the ~~inmate's or parolee's~~ incarcerated or supervised person's consent.

(1) Current departmental identification photographs of escaped ~~inmates and parolees~~ incarcerated and supervised persons at large shall be provided without charge.

Subsections 3261.7(e) through 3261.7(i) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4570, 4570.1 and 5054, Penal Code.

Section 3262 is amended to read:

3262. Public Events.

Visitors may be permitted to attend athletic games and other types of entertainment held at facilities only under conditions that will not jeopardize facility security and the visitor's safety. Visitor attendance shall be by invitation only. Attendance of visitors shall not deprive ~~inmates~~ incarcerated persons of attendance or adequate seating at such events. Admission fees shall not be charged.

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

Section 3263 is amended to read:

3263. Group Visits.

Visits to a facility by interested groups may be permitted under conditions not jeopardizing facility security or the safety of persons. Visitors shall be escorted through the facility as specified by the institution head. Tours shall be conducted in a manner avoiding embarrassment of ~~inmates~~ incarcerated persons or visitors, and disruption of normal activities.

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

Section 3265 is amended to read:

3265. Arts and Crafts Exhibits.

(a) The public may be permitted to attend displays of ~~inmate~~ incarcerated person-made articles provided:

Subsections 3265(a)(1) through 3265(a)(3) remain unchanged.

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

Section 3266 is amended to read:

3266. ~~Inmate~~ Incarcerated Person Contacts with the Public.

~~Inmates~~ Incarcerated persons shall not initiate any personal contact with the public except as specifically authorized. This does not preclude an ~~inmate's~~ incarcerated person's courteous and appropriate response when contact is initiated by a member of the public.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4570 and 5054, Penal Code.

Section 3267 is amended to read:

3267. Access of Public Officials to Facilities.

(a) A public official, except as provided in (b) below, of another governmental department or agency who needs to interview staff or ~~inmates~~ incarcerated persons or to conduct an inspection shall request permission of the institution head at least 24 hours before the date and time of their desired arrival, stating the purpose of the proposed visit. Upon their arrival, the official's access shall be subject to the following requirements:

Subsections 3267(a)(1) through 3267(b) remain unchanged.

(c) In cases of immediate need, and upon notification by the Secretary in writing, any prohibitions regarding access to ~~inmates~~ incarcerated persons by public officials, their guests or staff may be

suspended to assist in the interest of public understanding of departmental operations and responsibilities.

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

Article 1.5. Use of Force and Restraining Devices

Section 3268 is amended to read:

3268. Use of Force.

Introductory language through subsections 3268(a)(5) remain unchanged.

(6) Controlled Use of Force:

The force used in an institution or facility setting, when an incarcerated person's~~inmate's~~ presence or conduct poses a threat to safety or security and the incarcerated person~~inmate~~ is located in an area that can be controlled or isolated.

Subsection 3268(a)(7) through 3268(d)(5) remain unchanged.

(e) In facilities contracted to house CDCR incarcerated persons~~inmates~~ outside of California, the use of deadly force shall only be applied in accordance with applicable law in the state where the facility is located.

Subsections 3268(f) through 3268(h) remain unchanged.

(i) Controlled Use of Force. In an institution or secure facility setting, controlled use of force may be used when time and circumstances permit advance planning, staffing and organization. A controlled use of force requires authorization and the presence of a First or Second Level Manager, or during non-business hours, an AOD, and must be reported within the Incident Report Tracking (IRT) system in the Department's electronic database, which contains the same information as the forms incorporated by reference, or be documented on a CDCR Form 837-C (Rev. ~~40/1507/24~~), Crime/Incident Report Part C--Staff Report, which is hereby incorporated by reference.

Subsections 3268(j) through 3268(k) remain unchanged.

(l) Decontamination from Chemical Agents. Any person exposed to a chemical agent shall be afforded an opportunity to decontaminate as soon as practical. If the person refuses to decontaminate, the refusal shall be documented. If an incarcerated person~~inmate~~ was exposed in a cell and not removed from the cell where the exposure occurred, in-cell decontamination shall be afforded to the incarcerated person~~inmate~~, to include but not be limited to:

- (1) Health care staff advising the incarcerated person~~inmate~~ how to self-decontaminate in the cell.
- (2) Health care staff monitoring the in-cell incarcerated person~~inmate~~ at least every 15 minutes for a period not less than 45 minutes.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 196, 835a, 2651, 2652 and 5054, Penal Code; Section 50, Civil Code; *Whitley v. Albers* (1985) 475 U.S. 312, 106 S.Ct. 1078; *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH); and *Tennessee v. Garner* (1985) 471 U.S. 1.

Section 3268.1 is amended to read:

3268.1. Reporting and Investigating the Use of Force for Institution or Facility Staff.

Subsection 3268.1(a) remains unchanged.

(1) Any employee who uses force or observes a staff use of force shall report it to a supervisor as soon as practical and submit the appropriate documentation, prior to being relieved from duty. In an institution or facility setting the documentation shall be reported within the IRT system in the Department's electronic database, which contains the same information as the forms incorporated by reference, or on a CDCR Form 837-A (Rev. ~~10/15~~10/24), Crime/Incident Report Part A-Cover Sheet, CDCR Form 837-A1 (Rev. 10/15), Crime/Incident Report Part A1-Supplement, CDCR Form 837-B1 (Rev. ~~10/15~~10/24), Crime/Incident Report Part B1-Inmate, CDCR Form 837-B2 (Rev. 10/15), Crime/Incident Report Part B2-Staff, CDCR Form 837-B3 (Rev. 10/15), Crime/Incident Report Part B3-Visitor, Other, CDCR Form 837-C (Rev. ~~10/15~~10/24), Crime/Incident Report Part C-Staff Report, CDCR Form 837-C1 (Rev. 10/15), Crime/Incident Report Part C1-Supplement, or a CDCR Form 837-C2 (Rev. 10/15), Crime/Incident Report Part C2-Review Notice, which are hereby incorporated by reference.

Subsection 3268.1(a)(2) through 3268.1(d) remain unchanged.

(1) A video recording is required for all Controlled Uses of Force occurrences. A video recording of the incarcerated person inmate is also required following a use of force occurrence resulting in SBI or GBI to the incarcerated person inmate and shall be documented on a CDCR Form 3013-1 (Rev. ~~10/15~~10/24), Incarcerated Person Inmate Interview for GBI and SBI Worksheet and a CDCR Form 3014 (Rev. ~~10/15~~10/24), Report of Findings--Incarcerated Person Inmate Interview, which are hereby incorporated by reference.

(2) A video recording of the incarcerated person inmate shall be made when the incarcerated person inmate has made an allegation of an unnecessary or excessive use of force and shall be documented on a CDCR Form 3013-2 (Rev. ~~10/15~~10/24), Incarcerated Person Inmate Interview for Allegation Worksheet and a CDCR Form 3014 (Rev. ~~10/15~~10/24), Report of Findings--Incarcerated Person Inmate Interview, which are hereby incorporated by reference.

Subsections 3268.1(d)(3) through 3268.1(e)(2) remain unchanged.

A) Incident Commander Review, CDCR Form 3010 (Rev. ~~10/15~~10/24), Incident Commander's Review/Critique Use of Force Incidents.

(B) First Level Manager Review, CDCR Form 3011 (Rev. ~~10/15~~10/24), Manager's Review--First Level Use of Force Incidents, which is hereby incorporated by reference.

Subsection 3268.1(e)(2)(C) remains unchanged.

(D) Use of Force Coordinator Review. The Use of Force Coordinator shall schedule all logged use of force cases for review within 60 calendar days of their logged occurrence. The Use of Force Coordinator shall document their review on a CDCR Form 3034 (Rev. 10/15), IERC Allegation Review, and a CDCR Form 3036 (Rev. ~~10/15~~10/24), IERC Critique and Qualitative Evaluation, which are hereby incorporated by reference.

Subsections 3268.1(e)(2)(E) through 3268.1(e)(2)(E)6. remain unchanged.

(F) The IERC shall meet to review its cases on at least a monthly basis, or on a schedule to ensure all cases are reviewed within 60 calendar days. If the IERC determines, during their review, a

potential use of force violation occurred, the incident shall be referred to the Allegation Investigation Unit (AIU) for an investigation. Once an incident is referred to AIU, the 60 calendar day timeframe shall be tolled and shall resume after the incident is forwarded to the Hiring Authority for final determination. The IERC shall document their review on a CDCR Form 3035 (Rev. ~~10/1507/24~~), IERC Use of Force Review & Further Action Recommendation, which is hereby incorporated by reference.

Subsections 3268.1(e)(2)(F)1. through 3268.1(g)(6) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 196, 835a, 2651, 2652 and 5054, Penal Code; Section 50, Civil Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

Section 3286.2 is amended to read.

3268.2. Use of Restraints.

Subsections 3268.2(a) through 3268.2(c)(4) remain unchanged.

(5) Placed on an incarcerated person~~inmate~~ during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, unless circumstances exist that require the immediate application of mechanical restraints to avoid the imminent threat of death, escape, or great bodily injury, and only for the period during which such threat exists.

Subsections 3268.2(d) through 3268.2(e)(2) remain unchanged.

(3) When transporting a pregnant incarcerated person~~inmate~~ off institutional grounds, the application of restraint gear shall be restricted to handcuffs to the front of the incarcerated person~~inmate~~ only. If the pregnant incarcerated person~~inmate~~ is in labor, the rules provided in subsection 3268.2(c)(5) shall also be followed.

(f) Use of restraint equipment by direction of licensed health care clinicians shall be fully documented in the medical file of the restrained ~~inmate~~ parolee incarcerated or supervised person.

Subsections 3268.2(g) through 3268.2(h) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 196, 835a, 2650, 2651, 2652, 2652.5, 3423, 5007.7 and 5054, Penal Code; *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH); and Section 7286.5, Government Code.

Section 3268.3 is amended to read:

3268.3. Reporting and Investigating the Use of Force for Field Staff.

Subsection 3268.3(a) remains unchanged.

(1) Any employee who uses non-deadly force or observes CDCR staff use force in a community or field setting shall report it to a supervisor as soon as practical and submit the appropriate documentation, prior to being relieved from duty. The documentation shall be reported within the Incident Report Tracking (IRT) system in the Department's electronic database, which contains the same information as the forms incorporated by reference, or on a CDCR Form 1662-A (Rev. 05/22), Field Incident Report: Part A--Cover Sheet, CDCR Form 1662-B (Rev. ~~11/2007/24~~), Field Incident Report: Part B--Parole Summary Information, CDCR Form 1662-C (Rev. ~~05/2207/24~~), Field Incident Report: Part C--Employee Report, CDCR Form 1662-C1 (Rev. 11/20), Field Incident Report: Part C1-Supplement Page, which are hereby incorporated by reference.

Subsection 3268.3(a)(2) remains unchanged.

(3) The supervisor shall document ~~his or her~~ their review on a CDCR Form 3010-A (Rev. 05/22), Field: Use of Force Incident--Supervisor's Review, which is hereby incorporated by reference, and forward it with the employee's reviewed documents through the designated chain of command, to the Regional Parole Administrator or Special Agent-In-Charge for approval or follow-up action.

Subsections 3268.3(b) through 3268.3(d)(1) remain unchanged.

(2) A video recording of a person shall be made when the person has made an allegation of an unnecessary or excessive use of force, except when video recording is prohibited in a local jail or custody location. All allegations shall be documented on a CDCR Form 3013-A (Rev. ~~05/22~~07/24), Field: Supervisory Use of Force Interview Worksheet and a CDCR Form 3014-A (Rev. 11/20), Field: Use of Force Incident - Interview Findings Report, which are hereby incorporated by reference.

Subsections 3268.3 (d)(3) through 3268.3(e)(2)(A) remain unchanged.

(B) First Line Manager Review, CDCR Form 3011-A (Rev. ~~05/22~~07/24), Field: Use of Force Incident--Manager Review, which is hereby incorporated by reference.

(C) Second Line Manager Review, CDCR Form 3012-A (Rev. ~~11/20~~07/24), Field: Use of Force Executive Manager's Review Qualitative Evaluation and Analysis, which is hereby incorporated by reference.

Subsections 3268.3 (e)(2)(D) through 3268.3(e)(2)(D)5. remain unchanged.

6. The FERC shall meet to review its cases on at least a monthly basis, or on a schedule to ensure all cases are reviewed within 30 days. The FERC shall document their review on a CDCR Form 3035-A (Rev. 05/22), Field: Executive Review Committee/: Further Action Recommendation Use of Force/Misconduct, which is hereby incorporated by reference.

Subsections 3268.3 (e)(2)(F) through 3268.3(f)(3) remain unchanged.

NOTE: Authority cited: Sections 5058 and 3304, Penal Code. Reference: Sections 196, 835a, 2651, 2652 and 5054 Penal Code; Section 50, Civil Code; *Tennessee v. Garner* (1985) 471 U.S. 1; and Section 7286.5, Government Code.

Article 1.6. ~~Inmate~~Incarcerated Person Housing

Section 3269 is amended to read:

3269. ~~Inmate~~Incarcerated Person Housing Assignments.

(a) ~~Inmates~~Incarcerated persons shall accept Incarcerated Person~~Inmate~~ Housing Assignments (IPHAs) as directed by staff. All incarcerated persons~~inmates~~ shall be assigned to double-cell housing, except as provided in section 3269(e), whether being housed in a Reception Center, General Population (GP), Sensitive Needs Yard (SNY), Non-Designated Programming Facility (NDPF), Restricted Housing Unit (RHU), or specialty housing unit. If staff determines an incarcerated person~~inmate~~ is suitable for double-cell housing, based on the criteria as set forth in this section, the incarcerated person~~inmate~~ shall accept the housing assignment or be subject to disciplinary action. IPHAs shall be made based on available documentation and individual case factors. Although incarcerated persons~~inmates~~ may request a housing assignment, they are not entitled to single-cell housing, a housing location of choice, or a cellmate of their choice.

(b) Upon arrival at an institution, facility, or Reception Center, a designated screening authority shall screen an incarcerated person~~inmate~~ for an appropriate housing assignment in a private setting. The screening authority reviewing and approving an incarcerated person'~~inmate~~'s housing assignment shall evaluate all factors to be considered when completing the Initial Housing Review (IHR), including but not limited to:

(1) ~~Inmate~~incarcerated person name, CDCR number, and Personal Identification number.

(2) Personal factors such as race, date of birth, age, weight, height, birth place, and whether the incarcerated person~~inmate~~ is a foreign national.

Subsections 3269(b)(3) through 3269(b)(7) remain unchanged.

(8) Criminal influence demonstrated over other incarcerated persons~~inmates~~.

Subsections 3269(b)(9) through 3269(b)(15) remain unchanged.

(16) Documented reports from prior cellmate(s) that the incarcerated person~~inmate~~ intimidated, threatened, forced, or harassed them for sex.

(17) Documentation that any cellmate refused to return to a cell occupied by the incarcerated person~~inmate~~ because of fear, threats, or abuse perpetrated by the incarcerated person~~inmate~~.

(18) Documentation that the incarcerated person~~inmate~~ has been the victim of a physical or sexual assault.

(19) Adjudicated Rules Violation Reports (RVR) where the incarcerated person~~inmate~~ was found guilty as a perpetrator in an act of physical or sexual abuse against a cellmate.

(c) Utilizing the department's electronic database, the Strategic Offender Management System (SOMS), the screening authority shall complete the IHR, and indicate whether the ~~inmate~~incarcerated person is suitable for dorm or cell housing, with or without special restrictions. Restrictions are any case factor; including court ordered housing placement factors, which may limit the incarcerated person'~~inmate~~'s housing placement options. Staff shall ensure that the housing policies for special category incarcerated persons~~inmates~~ covered under court ordered housing remain in place during their housing assignment. The IHR includes the following SOMS input fields:

Subsections 3269(c)(1) through 3269(c)(6) remain unchanged.

(d) Upon placement in a RHU, incarcerated persons~~inmates~~ shall be screened for an appropriate cell assignment using the same criteria as incarcerated persons~~inmates~~ being screened for housing in the general population.

Subsection 3269(d)(1) remains unchanged.

(2) Based on available information and the incarcerated person~~inmate~~ interview, the screening authority shall determine if the incarcerated person~~inmate~~ is suitable for single or double-celled housing and shall complete a CDC Form 114-A1 (Rev. 11/23), Inmate Restricted Housing Profile. Unless approved for single cell assignment, an incarcerated person~~inmate~~ in RHU is expected to share a cell with another ~~inmate~~incarcerated person.

(e) Single-cell status shall be considered for incarcerated persons~~inmates~~ who demonstrate a history of in-cell abuse, significant in-cell violence towards a cellmate, predatory behavior towards a cellmate, or who have been victimized in-cell by another incarcerated person~~inmate~~. Staff shall

consider the incarcerated person's~~inmate's~~ pattern of behavior, not just an isolated incident. An act of mutual combat does not warrant single-cell status. Factors that must be considered when evaluating single-cell status include:

(1) Predatory behavior characterized by repeated attempts to physically or sexually abuse another incarcerated person~~inmate~~.

(2) Documented and verified instances of being a victim of in-cell physical or sexual abuse by another incarcerated person~~inmate~~.

(f) If the screening authority determines that single-cell designation is appropriate, the incarcerated person's~~inmate's~~ case factors shall be reviewed by a classification committee for determination of appropriate housing and designation for an "S" suffix. A classification committee may consider whether an incarcerated person~~inmate~~ with single-cell designation subsequently proves capable of being double-celled.

(g) In cases where single-cell status is recommended by clinical staff due to mental health, developmental or cognitive impairment, or medical concerns, a classification committee shall make the final determination of an incarcerated person's~~inmate's~~ cell assignment. The classification committee shall consider the clinical recommendations made by the evaluating clinician with assistance from the clinician who participates in the committee and review the incarcerated person's~~inmate's~~ case factors when determining the housing assignment. Single-cell status based on a clinical recommendation is usually a temporary short-term measure and shall be reviewed periodically, including at an incarcerated person's~~inmate's~~ annual review and more frequently at the incarcerated person's~~inmate's~~ or clinician's request.

(h) Transgender incarcerated persons~~inmates~~ and incarcerated persons~~inmates~~ having symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel within a CDCR institution shall be referred to a classification committee for a determination of appropriate housing at a designated institution, pursuant to Article 10 of Subchapter 4.

(i) If an incarcerated person~~inmate~~ refuses a housing assignment, the incarcerated person~~inmate~~ shall be subject to the disciplinary process. Refusal to accept a housing assignment shall result in the issuance of a RVR for Conduct, subsection 3005(c), Refusing to Accept Assigned Housing, for the Specific Act of Willfully Resisting, Delaying, or Obstructing any Peace Officer in the performance of Duty (subsection 3323(f)(6)). Subsequent refusals shall result in additional disciplinary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Quine v. Beard*, No. C 14-02726 JST.

Section 3269.1 is amended to read:

3269.1. Integrated Housing.

(a) An ~~inmate's~~incarcerated person's race shall not be used as a primary determining factor in housing an institution's ~~inmate~~incarcerated population. ~~Inmate~~Incarcerated person housing assignments shall be made on the basis of available documentation and individual case factors for appropriate housing placement. Individual case factors include, but are not limited to:

Subsections 3269.1(a)(1) through 3269.1(a)(6) remain unchanged.

(b) Housing assignments shall be determined in a manner that ensures the safety, security, treatment, and rehabilitative needs of the inmate-incarcerated person are considered, as well as the safety and security of the public, inmates-incarcerated persons, staff, and institutions.

(c) The department's housing protocol will require male inmates-incarcerated persons to be housed in an appropriate bed, based on each inmate's-incarcerated person's Integrated Housing Code (IHC) and individual case factors. The department utilizes a computer tracking system to identify, track, and monitor an inmate's-incarcerated person's eligibility to integrate when being housed.

(d) The IHC shall be assigned based on a review of the inmate's-incarcerated person's individual case factors and a personal interview with the inmate-incarcerated person. The inmate's-incarcerated person's IHC shall be re-assessed at an inmate's-incarcerated person's Annual Review, and may be adjusted as necessary if case factors change in the interim. The IHCs that may be assigned are:

(1) RE, Racially Eligible. An inmate-incarcerated person who has not been a victim or perpetrator of a racially motivated crime and can live with members of any race. It is the department's expectation that all inmates-incarcerated persons shall be coded RE, unless case factors dictate otherwise.

(2) RP, Restricted Partially. An inmate-incarcerated person who may be considered ineligible to live with inmates-incarcerated persons of a particular race. Ineligibility to live with someone of another race could be based on a racially motivated incident, where racial beliefs or attitudes were the cause of the incident.

(3) RO, Restricted to Own (Race). An inmate-incarcerated person who has been the victim or perpetrator of a racially motivated crime. Inmates-Incarcerated persons who are coded RO shall not be precluded from integration in other aspects of institutional operation, such as a school or work assignment. inmates-Incarcerated persons coded as RO are not precluded from racially integrated housing for the entire duration of their sentence.

(4) RT, Restricted Temporarily by Custody. Inmates-Incarcerated persons with insufficient information or documentation for the designated custody supervisor to make an objective determination shall be coded RT for Restricted Temporarily by Custody. This code may be used when conflicting information arrives with the inmate-incarcerated person or when questionable statements or behavior by the inmate-incarcerated person are observed that are not consistent with the inmate's-incarcerated person's claim of eligibility.

(5) RR, Restricted by Refusal. Inmate-Incarcerated person is otherwise eligible for integrated housing but refuses to participate. Refusal to accept an integrated housing assignment, when all available documentation and information does not preclude such, shall result in disciplinary action.

(e) Inmates-Incarcerated persons arriving in a facility Receiving and Release shall be interviewed in accordance with the established process for intake. The designated custody supervisor shall use the information provided during the interview as well as the supporting documents received to determine the inmate's-incarcerated person's eligibility for an integrated housing assignment.

(f) New arrivals at a facility or inmates-incarcerated persons who require a bed assignment change shall be housed in the first available and appropriate bed, taking into consideration all relevant case factors. Staff shall also consider other available information that would indicate or present an immediate risk or Safety Concern for the inmate-incarcerated person such as, but not limited to:

Subsections 3269.1(f)(1) through 3269.1(f)(6) remain unchanged.

(7) Height, weight, and age.

Staff shall continue to ensure that current housing policies regarding special category ~~inmates~~ incarcerated persons covered under specific litigation remain in place during the housing process.

(g) If an ~~inmate-incarcerated person~~ refuses a housing assignment, the ~~inmate-incarcerated person~~ shall be subject to disciplinary action. Refusal to participate shall result in the issuance of a Rules Violation Report (RVR) for Conduct, subsection 3005(c), Refusing to Accept Assigned Housing, for the Specific Act of Willfully Resisting, Delaying, or Obstructing any Peace Officer in the Performance of Duty (subsection 3323(f)(6)).

Subsections 3269.1(h) through 3269.1(i) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Johnson v. California* (2005) 543 U.S. 499 [125 S. Ct. 1141], remand of *Johnson v. California*, (9th Cir. 2007) [Dock. No. CV 95-1192 CBM(BQR)].

Section 3269.2 is amended to read:

3269.2. Sensitive Needs Yard Designation.

(a) Sensitive Needs Yard (SNY) Designation. An SNY houses designated incarcerated persons ~~inmates~~ whose safety would be endangered by a portion of the incarcerated ~~inmate~~ general population. SNY designated incarcerated persons ~~inmates~~ shall have documented and verified Systemic Safety Concerns indicating no other viable housing options are available within the incarcerated ~~inmate~~ general population.

(b) An incarcerated person ~~inmate~~ may be designated as SNY in accordance with all the following criteria:

(1) The incarcerated person ~~inmate~~ expresses Safety Concerns and requests SNY designation.

(2) The incarcerated person ~~inmate~~ has specific, documented and verified Systemic Safety Concerns, as defined in section 3000.

(3) The incarcerated person ~~inmate~~ does not pose a threat to the safety or security of other incarcerated persons ~~inmates~~ similarly housed in the SNY.

(4) If the incarcerated person ~~inmate~~ is documented as a validated Security Threat Group I (STG-I), as defined in section 3000, and the ~~inmate-incarcerated person~~ has completed the debriefing process pursuant to section 3378.5.

(c) The Department shall not rely solely on an incarcerated person's ~~inmate's~~ uncorroborated personal report, the nature of their commitment offense, incarcerated behavior, a record of their prior designation and housing, or their current designation and housing, when making a determination for SNY designation or retaining SNY designation.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3269.3 is amended to read:

3269.3. Sensitive Needs Yard Designation Process.

Subsections 3269.3(a) through 3269.3(a)(1) remain unchanged.

(A) Incarcerated person ~~Inmate~~ expresses Safety Concerns and requests SNY designation.

1. The assigned Correctional Staff shall complete an evaluation of the incarcerated person's ~~inmate's~~ alleged Safety Concerns utilizing all available incarcerated person ~~inmate~~ information, including, but not limited to:

Subsections 3269.3(a)(1)(A)1.a. through 3269.3(a)(1)(A)1.d. remain unchanged.

e. Any safety related information provided by the requesting incarcerated person ~~inmate~~.

2. The assigned Correctional Staff shall document their findings of the incarcerated person's ~~inmate's~~ alleged Safety Concerns and make a recommendation pursuant to subsections 3269.2(b)-(c) on a Confidential Chrono pursuant to section 3321. However, if the recommendation is to approve SNY designation pursuant to subsection 3269.2(a), the Correctional Counselor I shall make the appropriate Administrative Determinant and Institution Recommendation on the Institutional Staff Recommendation Summary.

Subsections 3269.3(a)(1)(A)3. through 3269.3(a)(1)(A)4. remain unchanged.

5. During Reception Center processing, if an incarcerated person ~~inmate~~ is returning to prison with a prior SNY designation, the incarcerated person ~~inmate~~ shall be re-evaluated to determine if the incarcerated person ~~inmate~~ meets SNY designation criteria in subsections 3269.2(b)-(c).

Subsection 3269.3(a)(2) remains unchanged.

(A) ~~Inmate~~-Incarcerated person expresses Safety Concerns and requests SNY designation.

1. The assigned correctional staff shall complete an evaluation of the incarcerated person's ~~inmate's~~ alleged Safety Concerns utilizing all available ~~inmate~~-incarcerated person information, including, but not limited to:

Subsections 3269.3(a)(2)(A)1.a. through 3269.3(a)(2)(A)1.d. remain unchanged.

e. Any safety related information provided by the requesting incarcerated person ~~inmate~~.

2. The assigned correctional staff shall document the findings from their evaluation on a Confidential ~~Inmate~~-Incarcerated Safety Closure Report, pursuant to sections 3000 and 3321.

3. The Institution Classification Committee (ICC) shall review the correctional staff's Confidential ~~Inmate~~-Incarcerated Safety Closure Report and make a recommendation of the incarcerated person's ~~inmate's~~ Safety Concerns pursuant to subsections 3269.2(b)-(c).

Subsections 3269.3(a)(2)(A)4. through 3269.3(a)(3) remain unchanged.

(A) An incarcerated person's ~~inmate's~~ SNY designation may be removed. A Confidential ~~Inmate~~ Incarcerated Safety Closure Report, pursuant to sections 3000 and 3321 shall be required before the ICC makes their recommendation. The ICC may recommend removal of an incarcerated person's ~~inmate's~~ SNY designation in accordance with either of the following:

1. The incarcerated person ~~inmate~~ requests removal of SNY designation.

2. The ICC determines the incarcerated person's ~~inmate's~~ current SNY designation is based on subsection 3269.2(c).

3. The CSR shall either approve or disapprove the ICC recommendation to remove the incarcerated person's ~~inmate's~~ SNY administrative determinant designation pursuant to subsections 3269.2(b)-(c).

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3269.4 is amended to read:

3269.4. Non-Designated Programming Facility.

(a) Non-Designated Programming Facility (NDPF). NDPF houses incarcerated persons~~inmates~~ who demonstrate positive behavior and a willingness to participate in rehabilitative programs and conform to departmental policies, free from Security Threat Group (STG) influence and behavior.

(b) An incarcerated person~~inmate~~ shall be excluded or removed from NDPF placement in accordance with either of the following criteria:

(1) The incarcerated person~~inmate~~ was found guilty and assessed a Restricted Housing Unit (RHU) term pursuant to subsection 3337(g) (1)-(3), or any RHU-related offense pursuant to subsection 3337(g) with an STG nexus.

(A) An incarcerated person~~inmate~~ shall be evaluated or re-evaluated for NDPF twelve months after the Restricted Housing Unit Maximum Release Date RHU(MRD), or the date the Institution Classification Committee (ICC) elected to suspend the remainder of the RHU MRD, during the incarcerated person's~~inmate's~~ first annual classification committee review, and annually thereafter.

(2) The incarcerated person~~inmate~~ was found guilty of a serious Rules Violation Report (RVR) related to documented or referenced STG behavior.

(A) An incarcerated person~~inmate~~ shall be re-evaluated for NDPF twelve months after the date of the RVR, during the incarcerated person's~~inmate's~~ first annual classification committee review, and annually thereafter.

(c) A classification committee may temporarily exclude or remove an incarcerated person~~inmate~~ from NDPF for twelve months from the date the projected RHU term expires or the date ICC elected to release the incarcerated person~~inmate~~ from restricted housing, when the inmate~~incarcerated person~~ has elected to postpone the disciplinary hearing of a RVR that qualifies as exclusionary criteria as delineated in subsection 3269.4(b)(1).

(d) An ICC may review and approve an incarcerated person~~inmate~~ to NDPF or return to NDPF at any time during the twelve-month period described within these regulations, when an ICC determines the incarcerated person~~inmate~~ does not pose an unreasonable threat to the safety and security of the NDPF.

Subsections 3269.4(d)(1) through 3269.4(d)(2) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Article 2. Security

Section 3270 is amended to read:

3270. General Policy.

The primary objectives of the correctional institutions are to protect the public by safely keeping persons committed to the custody of the Secretary of Corrections and Rehabilitation, and to afford such persons with every reasonable opportunity and encouragement to participate in rehabilitative activities. Consistent effort will be made to insure the security of the institution and the

effectiveness of the treatment programs within the framework of security and safety. Each employee must be trained to understand how physical facilities, degree of custody classification, personnel, and operative procedures affect the maintenance of incarcerated person-inmate custody and security. The requirement of custodial security and of staff, incarcerated person-inmate and public safety must take precedence over all other considerations in the operation of all the programs and activities of the institutions of the department.

Comment: Former DP-4201, policy, general.

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

Section 3270.1 is amended to read:

3270.1. Lethal Electrified Fences.

(a) For the purposes of this section, a lethal electrified fence is a high voltage fence installed for the lethal infliction of injury to escaping incarcerated persons-inmates.

Subsection 3270.1(b) remains unchanged.

(1) The posting of warning signs on the inner and outer perimeters of the facility informing staff, incarcerated persons-inmates, and the public of the presence of a lethal electrified fence.

Subsections 3270.1(b)(2) through 3270.1(6) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2052 and 5054, Penal Code.

Section 3270.3 is amended to read:

3270.3. Body-Worn Cameras.

Subsection 3270.3(a) remains unchanged.

(b) Body-worn camera recording technology may be used to conduct after-the-fact reviews of triggering events involving use of force incidents, allegations of excessive or unnecessary force, and other staff and incarcerated person-inmate misconduct.

Subsection 3270.3(c) remains unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 5054, Penal Code; and *Armstrong v. Newsom* (No. 4:94-cv-02307-CW N.D. Cal.).

Section 3270.4 is amended to read:

3270.4. Camera Monitoring in a Hospital Setting.

When assigned to a hospital setting, custody staff shall maintain a direct and constant view of the incarcerated person-inmate from within the room. However, when medical staff determine that custody staff should not be in the room with the incarcerated person-inmate due to the incarcerated person's-inmate's clinical condition, custody staff shall maintain a direct and constant view of the incarcerated person-inmate through a viewing window. If a viewing window is not available, camera equipment shall be utilized to maintain a direct and constant view of the incarcerated person-inmate. This equipment shall provide live audio and video monitoring and shall not have recording capability.

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

Section 3271 is amended to read:

3271. Responsibility of Employees.

Every employee, regardless of ~~his or her~~ their assignment, is responsible for the safe custody of the incarcerated persons~~-inmates~~ confined in the institutions of the department.

Comment: Former DP-4202, responsibility of employees.

Section 3272 is amended to read:

3272. Custody Classification.

The classification committee at each institution must assign a custodial classification to each incarcerated person~~-inmate~~, in accordance with the custodial classifications prescribed by the department. The senior custodial officer on duty may temporarily increase the custodial classification of an incarcerated person~~-inmate~~ at any time ~~he or she~~ they believes such action is necessary to protect the security and good order of the institution. Such action is subject to classification committee review at the next regular meeting. Any reduction of an incarcerated person's~~-inmate's~~ custody classification must be by classification committee action.

Comment: Former DP-4203, custody classification.

Section 3273 is amended to read:

3273. Acceptance and Surrender of Custody.

Wardens and superintendents must not accept or surrender custody of any incarcerated person~~prisoner~~ under any circumstances, except by valid court order or other due process of law.

Comment: Former DP-4204, acceptance and surrender of custody.

Section 3274 is amended to read:

3274. Incarcerated Person~~-Inmate~~ Count and Movement.

(a) ~~Inmate~~ Incarcerated person count. Every institution head shall maintain a system to account at all times for incarcerated persons~~-inmates~~ under their jurisdiction. A physical count of all incarcerated persons~~-inmates~~ shall be taken at least four times during each calendar day unless otherwise authorized in writing by the director. No incarcerated person~~-inmate~~ activity shall be scheduled at a time which would disrupt a facility count.

(1) Standing count. At least one daily count shall be a standing count wherein incarcerated persons~~-inmates~~ shall stand at their cell door or, in a dormitory, shall sit on their assigned bed during the designated count time.

(2) Emergency count. If staff determines an incarcerated person~~-inmate~~ may be missing, an emergency count shall be conducted to determine whether an escape has occurred and, if so, the identity of the escapee. When an emergency count is announced, incarcerated persons~~-inmates~~ shall return to their assigned housing, except in a medical emergency or other exception specifically authorized by the official in charge.

(b) ~~Inmate~~ Incarcerated person movement. Each facility shall establish a schedule of routine incarcerated person~~-inmate~~ movement to and from the facility's activities and assignments such as work and education, and the gym or exercise yard.

(1) Appointments. A CDCR Form 129 (Rev. 7/8807/24), ~~Inmate~~ Incarcerated Person Pass, shall be issued to an ~~incarcerated person-inmate~~ approved for movement to a scheduled non-routine appointment. Medical service and case work appointments shall not be scheduled during an ~~incarcerated person's-inmate's~~ work or program hours unless an ~~incarcerated person-inmate~~ cannot otherwise obtain the service or case work.

(2) Unscheduled movement. If unscheduled movement of an ~~incarcerated person-inmate~~ is necessary, such movement shall not take place unless the ~~incarcerated person-inmate~~ is escorted by staff, or a pass has been issued by staff authorizing the movement.

(3) Routine movement. A gate pass shall be maintained for each ~~incarcerated person-inmate~~ assigned to work outside a facility's security area. The gate pass shall:

(A) Not be handled by any ~~incarcerated person-inmate~~.

(B) Include the ~~incarcerated person's-inmate's~~ identification photo, name, CDCR number, housing assignment, custody designation, assignment requiring the gate pass, effective date of the pass, times the ~~incarcerated person-inmate~~ is authorized to pass through the gate, and the signature of a facility official authorized to approve gate passes.

Subsection 3274(b)(3)(C) remains unchanged.

1. A hold or detainer against an ~~incarcerated person's-inmate's~~ release, or notice thereof, is received by the facility.

2. Staff determines from the ~~incarcerated person's-inmate's~~ behavior that the ~~incarcerated person inmate~~ may require increased supervision.

3. Staff receives information indicating an ~~incarcerated person's-inmate's~~ increased escape potential.

(c) Lockdown or Modified Program. Facility procedures governing the restriction of ~~incarcerated person-inmate~~ movement during a lockdown or modified program shall be established and updated daily during any lockdown or modified program.

(d) Limited visibility. When visibility at a facility is severely restricted or a state of emergency is declared, ~~incarcerated persons-inmates~~ shall be confined to their housing units, except as otherwise authorized by the official in charge. In such circumstances, all ~~incarcerated person-inmate~~ movement shall be under the direct and constant supervision of staff.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079 and 5054, Penal Code.

Section 3275 is amended to read:

3275. Weapons.

(a) Only such weaponry as has been approved by the Secretary for department-wide use, or for use only by designated jurisdictions of the department, shall be issued/assigned to an employee or carried/used by an employee while on duty. For the purpose of this section, weaponry includes any offensive or defensive lethal or less lethal device. Employees assigned to facilities or work locations where ~~inmates/parolees~~ incarcerated/supervised persons are located, or in the supervision of ~~inmates/parolees~~ incarcerated/supervised persons in the community, shall not have accessible, carry or use any privately owned weaponry while on duty, except as authorized by the Secretary.

(b) No weaponry of any kind shall be taken into the security areas of an institution where ~~inmates/parolees~~ incarcerated/supervised persons are located except for emergency use as ordered by the official in charge, or for use in regularly armed posts as prescribed in local procedures or post orders.

(c) All necessary precautions shall be taken in the storage, use and movement of weaponry to prevent it from falling into the hands of incarcerated persons ~~inmates~~, supervised persons ~~parolees~~ or other unauthorized persons.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 803.5, 5054, 4574, Penal Code.

Section 3276 is amended to read:

3276. Firearms.

Subsections 3276(a) through 3276(c) remain unchanged.

(d) Employees who are ordered to carry a concealable firearm while on duty away from facilities where ~~inmates/parolees~~ incarcerated/supervised persons are located shall keep the firearm concealed at all times except when use of the firearm is necessary. Employees on duty on the grounds of, and in, facilities where ~~inmates/parolees~~ incarcerated/supervised persons are located shall not carry a concealed firearm unless ordered to do so by the official in charge.

(e) Each facility where ~~inmates/parolees~~ incarcerated/supervised persons are located which maintains an unissued supply of firearms, ammunition, and other lethal weaponry as described in Section 3275, shall provide for its long-term storage in a physically secure armory. Armories shall be located so as to be under 24-hour-a-day coverage of an armed post and away from areas that are open to traffic by unsupervised ~~inmates/parolees~~ incarcerated/supervised persons and the public. At camps or other locations where these armory requirements cannot be met, arrangements shall be made for the long-term storage of such equipment off the grounds. Community Correctional Facility armories shall be exempt from the armed coverage requirement, but they shall be under 24-hour-a-day observation by staff directly, or by video surveillance, and shall be equipped with audible electronic alarms.

(f) Each facility where ~~inmates/parolees~~ incarcerated/supervised persons are located shall provide a physically secure locked container, located outside the security areas, for the temporary storage of firearms, ammunition and other weaponry of employees and officials who must come on the grounds or enter the facility in the course of their employment or official business.

(g) Employees and others who live on the grounds of facilities where ~~inmates/parolees~~ incarcerated/supervised persons are located, and any guests or visitors of such persons, shall not bring to, maintain, store or keep any firearms or ammunition in such residences at any time. Arrangements shall be made for the use of storage facilities described in subsections (e) and (f).

(h) Firearms and ammunition shall not be left in an unattended vehicle at any time upon the grounds of facilities where ~~inmates/parolees~~ incarcerated/supervised persons are located. Exceptions are authorized only when the vehicle is securely locked and under the direct observation of staff who are aware that the vehicle contains firearms or ammunition, or when the vehicle is equipped with a departmentally approved secure container for such equipment. Merely out of sight storage such as in the spare tire well, trunk or glove box does not meet the requirements for a secure container.

Subsection 3276(i) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 830, 830.5, 832, 4574 and 5054, Penal Code.

Section 3278 is amended to read:

3278. Control of Incarcerated~~Inmates~~ and Supervised Persons~~Parolees~~.

Employees who supervise ~~inmates or parolees~~ incarcerated or supervised persons must have training in physical controls, use of restraint equipment, and keep themselves in good physical condition. In addition, all employees who supervise ~~inmates~~ incarcerated persons must have training designed to give them knowledge of emotional disturbances common to incarcerated inmates and supervised persons~~parolees~~, and understanding of their own feelings, and the use of such knowledge in ways which will minimize the need for the use of physical force. Batons may be carried only as specifically authorized by the Secretary.

Comment: Former DP-4209, control of inmates.

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

Section 3282 is amended to read:

3282. Use of Telephones by Incarcerated Persons~~Inmates~~.

Subsection 3282(a) remains unchanged.

- (1) An “emergency call” means a telephone call regarding the serious illness or injury, or the death of an incarcerated person’s~~inmate’s~~ immediate family member.
- (2) A “confidential call” means a telephone call between an incarcerated person~~inmate~~ and ~~his/her~~ their attorney which both parties intend to be private.
- (3) An “~~inmate~~ incarcerated person telephone” means a telephone designated solely to accommodate incarcerated person~~inmate~~-originated nonconfidential personal calls.

Subsections 3282(a)(4) through 3282(a)(5) remain unchanged.

(b) Facilities shall provide incarcerated person~~inmate~~ telephones for use by incarcerated persons~~inmates~~ consistent with their assigned privilege group. Incarcerated persons~~Inmates~~ may place collect telephone calls to persons outside the facility at designated times and on designated telephones, as set forth in local procedures. Limitations may be placed on the frequency and length of such calls based on the incarcerated person’s~~inmate’s~~ privilege group as outlined in section 3044, and to ensure equal access. Telephone calls requiring the use of a Telecommunication Device for the Deaf (TDD) or voice relay service shall have extended time scheduled due to the time delay which results from the TDD relay process.

(c) An incarcerated person~~inmate~~ shall not:

Subsections 3282(c)(1) through 3282(c)(5) remain unchanged.

- (6) Place a call to an “800,” “900,” “976,” “911,” “411,” or other special service number. Incarcerated persons~~inmates~~ that have a verified need to utilize the (1-800) TDD or relay service shall notify the correctional staff to facilitate the (1-800) TDD call.
- (7) Place a call to an incarcerated person~~inmate~~ at any other facility.

Subsection 3282(c)(8) remains unchanged.

(9) Knowingly participate in a forwarded, transferred, or three-party call on an incarcerated person ~~inmate~~ telephone.

(d) Except as provided in this section, no limitation shall be placed on the identities or relationships of persons to whom an incarcerated person ~~inmate~~ may place a collect call.

(e) All incarcerated person ~~inmate~~ calls placed on intrafacility and incarcerated person ~~inmate~~ telephones may be subject to monitoring and recording at any time by institution staff.

(f) A conspicuous notice in English and Spanish shall be posted at each incarcerated person ~~inmate~~ telephone capable of recording and monitoring stating in both languages: All numbers dialed and conversations on this telephone may be recorded and may be monitored without any further notice. By using this telephone, you agree to the monitoring and recording. It is your responsibility to notify the person called that their conversation and telephone number may be monitored and will be recorded.” Staff who authorize an incarcerated person ~~inmate~~ to use an unposted telephone for a nonconfidential call shall inform that incarcerated person ~~inmate~~ before the call is made regarding the notice of monitoring/recording requirement.

(g) If staff designated by the institution head determine that an incoming call concerns an emergency or confidential matter, the caller's name and telephone number shall be obtained and the incarcerated person ~~inmate~~ promptly notified of the situation. The incarcerated person ~~inmate~~ shall be permitted to place an emergency or confidential call either collect or by providing for the toll to be deducted from the incarcerated person's ~~inmate's~~ trust account. A confidential call shall not be made on an incarcerated person ~~inmate~~ telephone and shall not be monitored or recorded. If a call is determined to be an attorney and incarcerated person ~~inmate~~ confidential phone call, in order for the incarcerated person ~~inmate~~ to place or receive the call it must have already received approval or clearance in accordance with subsections (g)(1), (g)(2) and (g)(4).

Subsections 3282(g)(1) through (g)(2) remain unchanged.

(A) They are the named incarcerated person's ~~inmate's~~ attorney either by appointment by the court or at the incarcerated person's ~~inmate's~~ request,

(B) They have been requested by a judge to interview a named incarcerated person ~~inmate~~ for purposes of possible appointment as counsel by the same court,

(C) They are requesting to call a named incarcerated person ~~inmate~~ who may be a witness directly relevant to a legal process, purpose, or proceeding,

(D) They are seeking to interview a named incarcerated person ~~inmate~~, at the request of the incarcerated person ~~inmate~~, for the purpose of representation of the incarcerated person ~~inmate~~ in a legal process, for a legal purpose or in a legal proceeding, and

(E) They have been requested by a third party to consult with the named incarcerated person ~~inmate~~ when the incarcerated person ~~inmate~~ cannot do so because of a medical condition, disability or other circumstance.

Subsection 3282(g)(3) remains unchanged.

(4) Upon receipt of the information specified in (g)(1), a California law enforcement telecommunications system (CLETS) check of the attorney/attorney representative through the Department of Justice and verification of the attorney's credential through the governing state bar

will be conducted. Once the clearance and state bar verification have been obtained and approved the attorney shall be contacted to schedule the confidential telephone call with the specified incarcerated person~~-inmate~~. Attorneys and attorney representatives shall immediately report to the Institution Litigation Coordinator any change in personal or professional information, arrest history and or pending dispositions and declarations made in subsections (g)(1) and (g)(2) to retain their approval/clearance. In addition, a CLETS check will be conducted at least annually and as needed based on changes provided to the above listed information or information from any source that such changes had occurred.

(5) The date, time, duration, and place where the incarcerated person~~-inmate~~ will make or receive the call, and manner of the call are within the discretion of the institution head, except as restricted herein. A confidential call from an incarcerated person~~-inmate~~ shall be placed as a collect call or by providing for the toll to be deducted from the incarcerated person's~~-inmate's~~ trust account and made from a prison telephone or, with appropriate authentication of the caller, may be received from an attorney.

(6) It is within the discretion of the institution head, or ~~his/her~~ their designee, to approve or deny a confidential call. As long as the attorney/client communication privilege is not violated, a confidential call may be denied where the institution head, or ~~his/her~~ their designee, determines that normal legal mail or attorney visits were appropriate means of communication and were not reasonably utilized by the incarcerated person~~-inmate~~ or attorney. Where demand for confidential calls seriously burdens institutional operations, the institution head, or ~~his/her~~ their designee, shall prioritize confidential calls.

(7) Emergency calls on prison telephones between an incarcerated person~~-inmate~~ and clergy, other religious advisors, or health care professionals shall be approved or denied on a case-by-case basis by staff designated by the institution head.

Subsection 3282(g)(8) remains unchanged.

(h) Telecommunication Device for the Deaf (TDD) telephones shall be made available to incarcerated persons~~-inmates~~ with a documented severe hearing impairment for personal, emergency, and confidential calls, which shall be subject to the provisions of this section.

(1) Assistive device telephones and additional time on telephones may be necessary to provide accommodations for incarcerated persons~~-inmates~~ and their callers with disabilities.

(2) The facility shall provide for the procedures necessary to ensure effective telephone communications for incarcerated persons~~-inmates~~ with disabilities and/or the disabled person(s) with whom they are communicating.

(i) All calls made on incarcerated person~~-inmate~~ telephones shall have an announcement before and at random intervals during the calls stating that the call is from an incarcerated person~~-inmate~~ at a California state correctional facility and is being recorded.

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

Section 3283 is amended to read:

3283. Unauthorized Persons.

Persons must not be permitted to be on institution grounds or in community correctional centers without a legitimate purpose for being there, nor shall persons be allowed to contact incarcerated persons~~inmates~~ without authorization to do so.

Comment: Former DP-4214, unauthorized persons.

Section 3284. remains unchanged.

Section 3285 is amended to read:

3285. Association with Incarcerated Persons~~Inmates~~.

Persons who are not department employees, but who work with or near incarcerated persons~~inmates~~ are to be informed of the laws and regulations governing association with prison incarcerated persons~~inmates~~. Such persons will be given, and be asked to read and acknowledge receipt of, Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Inmates, CDCR Form 181.

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

Section 3286 is amended to read:

3286. Controlling and Reporting Fights.

When incarcerated persons~~inmates~~ fight, the participants must be separated at once. The participants will be placed in detention, unless in the judgment of a superior officer circumstances do not warrant such action. Employees who observe the fight will prepare a written report stating clearly everything they observed, and will submit this report to the disciplinary officer. The employee who renders the report should, if possible, state who was the aggressor. The report will include the time, place, names of participants, name(s) of aggressor(s), the reason for the fight if it can be ascertained, weapons used if any, names of witnesses, action taken if any, and recommendations to prevent further recurrences.

Comment: Former DP-4217, controlling and reporting fights.

Section 3287 is amended to read:

3287. Cell, Property, and Body Inspections.

(a) Insofar as possible, a cell, room, or dormitory bed area and locker will be thoroughly inspected immediately upon its vacancy and again, if there is a significant time lapse, before another incarcerated person~~inmate~~ is assigned to the same cell, room or dormitory bed and locker. Such inspections are required and must be recorded for restricted housing unit and isolation cells. The purpose of such inspections is to fix responsibility or the absence of responsibility for security and safety hazards and serious contraband found in the cell, room or dormitory area.

(1) Occupied cells, rooms and dormitory areas, including fixtures and lockers, and any personal and state-issued property of the occupant will be inspected on an infrequent and unscheduled basis. More frequent inspections will be conducted in specialized housing units, depending upon the security requirements of the unit and the risk an individual incarcerated person~~inmate~~ presents to that security.

(2) Cell and property inspections are necessary in order to detect and control serious contraband and to maintain institution security. Such inspections will not be used as a punitive measure nor to harass an incarcerated person-inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the incarcerated person's-inmate's quarters and property in good order upon completion of the inspection.

(3) An incarcerated person's-inmate's presence is not required during routine inspections of living quarters and property when the incarcerated person-inmate is not or would not otherwise be present. During special inspections or searches initiated because the incarcerated person-inmate is suspected of having a specific item or items of contraband in ~~his or her~~ their quarters or property, the incarcerated person-inmate should be permitted to observe the search when it is reasonably possible and safe to do so.

(4) The incarcerated person-inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from ~~his or her~~ their quarters during an inspection and the disposition made of such property. The notice will also list any contraband picked up or any breach of security noted during the inspection, and the follow-up action intended by the inspecting officer.

(b) An incarcerated person-inmate is subject to an inspection of ~~his or her~~ their person, either clothed or unclothed, when there is a reasonable suspicion to believe the incarcerated person inmate may have unauthorized or dangerous items concealed on ~~his or her~~ their person, or that ~~he or she~~ they may have been involved in an altercation of any kind. Such inspections may also be a routine requirement for incarcerated person-inmate movement into or out of high security risk areas. Random or spot-check inspections of incarcerated persons-inmates may also be authorized by the institution head to prevent possession and movement of unauthorized or dangerous items and substances into, out of, or within the institution. Visual daily inspections of incarcerated persons-inmates shall be made to ensure compliance with departmental grooming standards. All such inspections shall be conducted in a professional manner which avoids embarrassment or indignity to the incarcerated person-inmate. Whenever possible, unclothed body inspections of incarcerated persons-inmates shall be conducted outside the view of others.

(1) Correctional employees, other than qualified medical staff, shall not conduct unclothed body inspections of incarcerated persons-inmates of the opposite sex except under emergency conditions with life or death consequences.

(2) Routine inspections of clothed male incarcerated persons-inmates may be performed by employees of either sex.

(3) Body inspection of clothed female incarcerated persons-inmates shall be conducted by female correctional employees only, except in emergency situations requiring the immediate search of incarcerated persons-inmates to avoid the threat of death, escape, or great bodily injury. In such emergency situations, male correctional employees may conduct clothed body inspections only until sufficient numbers of female correctional employees are available to assume critical body search duties.

(4) Male correctional employees shall not, under any circumstances, perform non-emergency body searches of female incarcerated persons-inmates.

Subsection 3287(b)(5) remains unchanged.

(c) Incarcerated Person-Inmate Body Searches. Incarcerated persons-Inmates shall submit to body inspections using contraband and metal detection devices and electronic drug detection devices, including but not limited to, ION scanners and low-dose, full-body x-ray scanners. Incarcerated persons-Inmates shall also submit to inspections of all personal items, including but not limited to, wheelchairs, implants, prostheses, and assistive devices, using contraband and metal detection devices and electronic drug detection devices, including but not limited to, ION scanners.

(1) Contraband and metal detection devices and electronic drug detection devices, including but not limited to, ION scanners and low-dose, full-body x-ray scanners shall be used on incarcerated persons-inmates when they leave a visiting area, upon conclusion of a family visit, upon returning to a yard or facility from vocational or educational classes, upon entering or exiting a secure perimeter, and prior to placement into restrictive housing.

Subsection 3287(c)(2) remains unchanged.

(3) Low-dose, full-body x-ray scanners shall adhere to the American National Standard Institute's *Radiation Safety for Personnel Security Screening Systems Using X-Ray or Gamma Radiation* (ANSI/HPS N43.17-2009), which is hereby incorporated by reference. Scanner settings shall be set by the manufacturer to 0.25 microsieverts per scan. The annual radiation limit shall be 250 microsieverts per incarcerated person-inmate and each scan shall have a radiation dose of 0.25 microsieverts. A low-dose, full-body x-ray scanner shall identify the incarcerated person-inmate by CDCR number and determine the annual radiation to which the incarcerated person-inmate has been previously exposed as a result of low-dose, full-body x-ray scanning relative to the annual radiation limit before a scan is initiated.

(4) If the incarcerated person-inmate has reached the annual radiation limit pursuant to subsection 3287(c)(3), the machine shall not perform a scan. A scan shall only be conducted when the radiation to which the incarcerated person-inmate has been previously exposed as a result of scanning is determined to be under the annual radiation limit, and at least 0.25 microsieverts remain before the incarcerated person-inmate reaches their annual radiation limit.

(5) An incarcerated person-inmate shall be excused from a low-dose, full-body x-ray scanner search in the event of an emergency custody circumstance in which the incarcerated person's inmate's behavior creates a safety risk for the incarcerated person-inmate, other incarcerated persons-inmates, or CDCR staff if the search is performed, and requires immediate staff attention to deescalate the situation and maintain the safety and security of the institution. The staff member who is escorting the incarcerated person-inmate to be searched shall make the determination that the incarcerated person-inmate cannot safely be searched using the low-dose, full-body x-ray scanner.

(A) An emergency custody circumstance includes physical aggression from the incarcerated person-inmate requiring restraint of the incarcerated person-inmate in order to maintain the safety and security of the institution or a circumstance where an incarcerated person-inmate refuses to ambulate and stand up on the machine's platform to be scanned.

(B) The staff member who excused the incarcerated person-inmate from a search using the low-dose, full-body x-ray scanner shall document the emergency custody excusal on CDC Form 128-B, General Chrono (Rev. 4/74) as soon as is permissible and forward the completed Form to the warden for signature. The CDC Form 128-B shall be signed by the warden no later than 48 hours after the date of the emergency custody circumstance. A copy of the form shall be given to the

incarcerated person-inmate, and shall be stored in the Electronic Records Management System (ERMS), as defined in section 3000.

(6) An excusal for medical circumstances shall be documented on CDC Form 128-C, Chrono-Medical, Psychiatric, Dental (Rev. 01/96), and signed by a CDCR medical staff member of a level no lower than a nurse practitioner. A copy of the form shall be given to the incarcerated person inmate, and shall be stored in the ERMS.

(7) An incarcerated person-inmate who is excused from being scanned with a low-dose, full-body x-ray scanner pursuant to subsections 3287(c)(5) or 3287(c)(6), or who has reached the annual radiation limit pursuant to subsection 3287(c)(3), shall be searched by alternate means, including but not limited to, passive canine air scan searches, hand-held metal detectors, walk-through metal detectors, and ION scanners.

(8) An incarcerated personinmate shall notify a staff member that ~~he or she~~ they is are excused from being searched with a low-dose, full body x-ray scanner due to an emergency custody or medical circumstance, whereupon verification of excusal is required. At least one of the following two methods of verification shall be used:

(A) The incarcerated personinmate shall present a copy of the approved CDC Form 128-B or CDC Form 128-C to a staff member operating a low-dose, full-body x-ray scanner, or

Subsection 3287(c)(8)(B) remains unchanged.

(9) In the event that verification cannot be obtained through one of the methods enumerated in subsections 3287(c)(8)(A) or 3287(c)(8)(B), staff shall search the incarcerated personinmate in accordance with subsection 3287(c)(7).

(10) An incarcerated personinmate who is excused from being scanned with a low-dose, full-body x-ray scanner for emergency custody circumstances pursuant to subsection 3287(c)(5) shall be subject to disciplinary action in accordance with section 3315.

(d) Passive Air Scan Searches. Inspections of incarcerated personinmate cell or living areas, property, work areas, and body shall be conducted on an unannounced, random basis as directed by the institution head. Such inspections shall be conducted no more frequently than necessary to control contraband, recover missing or stolen property, or maintain proper security of the institution.

(1) Incarcerated personsInmates shall be subject to passive air scan searches by a passive alert canine.

(2) Direct Searches of incarcerated personsinmates: The canine handler shall make an announcement informing the incarcerated person(s)inmate(s) that ~~he/she is~~ they are conducting passive air scan searches using a passive alert canine and that the purpose of the scan is to detect illegal drugs. The incarcerated personinmate does not have the right to refuse the search. An incarcerated personinmate who refuses to be searched may be subject to disciplinary action and subject to additional search and urine testing for the presence of drugs.

(A) While inadvertent contact is a possibility, the handler shall not instruct the canine to contact the incarcerated personinmate.

(B) If the incarcerated personinmate seems excessively nervous, the handler shall attempt to reassure the incarcerated personinmate that the procedure is safe.

(3) Results of a Canine Search. If the canine gives a positive canine alert during a passive air scan search of the incarcerated person~~inmate~~, the incarcerated person~~inmate~~ shall submit to an unclothed body search and urinalysis testing.

Subsections 3287(d)(3)(A) through 3287(e) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 6402, Penal Code; *Jordan v. Gardner*, 986 F.2d 1521; and Title 28, Subsection 115.15, Code of Federal Regulations.

Section 3288 is amended to read:

3288. Notice to the Public, Employees and Incarcerated Persons~~Inmates~~.

(a) Warning signs will be posted at the entrance to all public and business roadways onto the grounds of institutions, camps and other department facilities where ~~inmates or parolees~~ incarcerated or supervised persons are housed, and at all sallyports and pedestrian entrances into such facilities. The signs will be in both English and Spanish and will, at a minimum, display the following information:

Sections 3288(a)(1) through 3288(c) remain unchanged.

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

Section 3290 is amended to read:

3290. Methods for Testing of Controlled Substances or for Use of Alcohol.

Subsection 3290(a) remains unchanged.

(b) Field tests may be performed on any suspected substance found on institution property or in the possession or under the control of any incarcerated person~~inmate~~, or in the possession or under the control of persons other than incarcerated persons~~inmates~~ who come on institution property. Field tests of urine samples may be performed as a screening process prior to laboratory testing.

(c) The securing of a urine sample from an incarcerated person~~inmate~~, for the purpose of testing for the presence of controlled substances or for use of alcohol may be done for the following reasons:

(1) When there is reasonable suspicion to believe the incarcerated person~~inmate~~ has possessed, distributed, used, or is under the influence of a controlled substance or alcohol.

(2) When mandatory random testing is known to the incarcerated person~~inmate~~ to be a condition for the incarcerated person~~inmate~~'s participation in a specific program, assignment, or activity.

(3) As part of an authorized disposition of a disciplinary hearing.

(4) The incarcerated person~~inmate~~ is selected by the department's mandatory standardized random drug testing selection process.

(A) A small percentage of incarcerated persons~~inmates~~ will be randomly selected at predetermined regular intervals (e.g. weekly) from a data file produced from the department's Strategic Offender Management System.

(B) Incarcerated persons~~Inmates~~ shall be tested each time they are selected; however, shall not be subject to additional disciplinary action for a positive test if that positive test is cumulative evidence of a previously charged disciplinary action.

(d) Incarcerated persons~~Inmates~~ must provide a urine sample when ordered to do so pursuant to these regulations, for the purpose of testing for the presence of controlled substances or the use of alcohol.

(e) On-site testing of urine samples are presumptive in nature; however, the results may be used to charge an incarcerated person~~inmate~~ with a serious rules violation. Disciplinary action for possession of a controlled substance or use of a controlled substance based solely on the field test shall not include the loss of work/behavior credits or pay, or loss of a paid work assignment unless a laboratory has confirmed the results of a positive field test or the incarcerated person~~inmate~~ has admitted to possessing the controlled substance, accepts the results of a positive field test, waives the requirement of testing by a laboratory, and has signed a CDCR 128-B, General Chrono to that effect.

(f) Field testing of seized substances that are suspected of being a controlled substance are presumptive, however the results may be used to charge an incarcerated person~~inmate~~ with a serious rules violation. Disciplinary action for possession of a controlled substance based solely on a field or on-site test shall not include the loss of work/behavior credits, or pay, or loss of paid work assignment unless a laboratory has confirmed that the suspected substance is in fact a controlled substance, or the incarcerated person~~inmate~~ has admitted to possessing the controlled substance, accepts the results of a field test, and waives the requirement of testing by a laboratory, and has signed a document to that effect.

Subsections 3290(g) through 3290(i) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932, 4573.6 and 5054, Penal Code.

Section 3291 is amended to read:

3291. Employee Law Enforcement and Peace Officer Personnel.

(a) Law Enforcement Responsibility. All employees of the Department shall be responsible to enforce laws, regulations and procedures which govern the actions and activities of incarcerated persons~~inmates~~, supervised persons~~parolees~~ and of persons who come into contact with ~~inmates and parolees~~ incarcerated and supervised persons. Employees who are not designated as peace officers, whose normal assigned job duties do not require custody and supervision of ~~inmates or parolees~~ incarcerated or supervised persons, or in situations where it would be inappropriate or unsafe to intervene in unauthorized actions or activities, shall notify or seek the assistance of other employees, including peace officer employees. In an emergency, all employees shall respond as directed by proper authority.

Subsections 3291(b) through 3291(f) remain unchanged.

NOTE: Authority cited: Sections 830.5(f) and 5058, Penal Code. Reference: Sections 830.2(d), 830.5(a), 830.5(b) and 5054, Penal Code; and Sections 8597, 8598 and 8698, Government Code.

Section 3292 is amended to read:

3292. Arrest and Detention.

(a) It is the policy of the department to arrest and detain civilians only when their unlawful actions or activities present an immediate and significant threat to the custody and control of incarcerated persons~~inmates~~, supervised persons~~parolees~~, employees and the public.

Subsection 3292(b) remains unchanged.

(c) Wardens, superintendents and administrators of institutions and facilities which house ~~inmates or parolees~~ incarcerated or supervised persons will establish and maintain up-to-date local procedures reflecting the policies set forth in this section. Such local procedures will include provisions for informing individuals of their rights and for referral of cases to local authorities. Such procedures will be reviewed annually by the administrator, and will be made available for departmental audit and for inspection as a public record when requested.

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

Section 3293 is amended to read:

3293. Polygraph and Computer Voice Stress Analyzer Examinations.

(a) Polygraph examinations may be administered by departmental staff to incarcerated persons~~inmates~~, supervised persons~~parolees~~, and employees in the course of an investigation of official matters, under the following conditions:

Subsections 3293(a)(1) through 3293(d) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3307, Government Code; Section 5054, Penal Code; and *Long Beach City Employee's Association v. City of Long Beach* (1986) 41 Cal.3rd 937, 227 Cal.Rptr. 90.

Section 3294.1 is amended to read:

3294.1. ~~Inmate~~Incarcerated Person Operation of a Motor Vehicles.

Notwithstanding provisions of the Vehicle Code, ~~inmates~~incarcerated persons shall not drive any vehicle on a public road except in extreme emergency, when taking a Department of Motor Vehicles' Driver's test, or when their use of a personal vehicle is specifically authorized. ~~Inmates~~Incarcerated persons may drive a state vehicle on off highway work projects or on facility grounds only when specifically authorized by staff or by the ~~inmate's~~incarcerated person's work supervisor.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4570 and 5054, Penal Code.

Section 3294.5 is amended to read:

3294.5. ~~Inmate and Parolee~~ Incarcerated and Supervised Person Name Change.

(a) An ~~inmate or parolee~~ incarcerated or supervised person who wishes to petition the court for a legal name change shall submit a CDCR Form 2010 (^{06/18} ~~07/24~~). Notice of Legal Name Change Petition. which is incorporated by reference, with a copy of all documents submitted to the court to the Warden or Regional Parole Administrator (RPA) at the time the petition is submitted to the court.

(b) Upon receipt from the court, the ~~inmate or parolee~~ incarcerated or supervised person shall provide a copy of the Order to Show Cause (OSC) to the Warden or RPA within three calendar days of receipt.

(c) Upon receipt of the CDCR 2010 by the Warden or RPA, a Correctional Counselor (CC) II or the Division of Adult Parole Operations (DAPO) Regional Litigation Coordinator shall be assigned to conduct a review of the ~~inmate or parolee's~~ incarcerated or supervised person's records. Within

ten business days of receipt, the assigned CC II or DAPO Regional Litigation Coordinator shall document their review in a memorandum with a recommendation provided on the CDCR Form 2010 to the Warden or RPA. This review shall include the research, evaluation, and documentation of the following:

Subsection 3294.5(c)(1) remains unchanged.

(2) Whether the ~~inmate or parolee~~ incarcerated or supervised person is required to register pursuant to Penal Code Section 290.

Subsections 3294.5(c)(3) through 3294.5(c)(5) remain unchanged.

(d) Within three business days of receipt, the Warden or RPA shall review the recommendation provided by the assigned reviewer and document their recommendation on the CDCR 2010. The Warden or RPA shall ensure a copy of the memorandum and the CDCR Form 2010 is scanned and placed into the miscellaneous section of the ~~inmate or parolee's~~ incarcerated or supervised person's central file via the Electronic Records Management System (ERMS), as defined in section 3000.

(e) If there is cause to object to the petition, within one business day after completing the review, the Warden or RPA shall forward the memorandum, petition, OSC, any supporting documents and the CDCR Form 2010 to the Office of Legal Affairs (OLA) at Headquarters for review. OLA shall review the recommendation within five business days to determine if an objection is warranted. If OLA determines the objection is warranted, OLA shall seek assistance from the Office of the Attorney General to file an objection to the name change with the ecourt.

(f) If a court order denying a petition is received from the court, a copy of the court order shall be scanned and placed in the miscellaneous section of the ~~inmate or parolee's~~ incarcerated or supervised person's central file via ERMs.

(g) Within five business days of receiving from the court a certified court order granting a name change, the Correctional Case Records Manager (CCRM) shall ensure the new name is reflected within the Strategic Offender Management System (SOMS), as defined in section 3000. Once the new name is changed within SOMS, the ~~incarcerated person~~~~inmate~~ shall be provided an updated identification card reflecting their new name and shall be charged for the replacement cost unless the ~~incarcerated person~~~~inmate~~ has been determined to be indigent as defined in section 3000. The CCRM shall notify the ~~inmate or parolee~~ incarcerated or supervised person, the ~~incarcerated person's~~~~inmate's~~ assigned correctional counselor, ~~incarcerated person~~~~inmate~~ assignment office, mailroom, receiving and release, visiting room, and the Office of Victim and Survivor Rights Services if the offender is incarcerated; or shall notify the agent of record if the offender is on parole. The court order shall be placed in the miscellaneous section of the ~~inmate or parolee's~~ incarcerated or supervised person's ERMS file, along with any other documents related to the request for a name change.

(h) The ~~incarcerated person~~~~inmate~~ shall be notified to inform all persons who may visit or write them that they must use the ~~incarcerated person's~~~~inmate's~~ departmental identification number when using the ~~incarcerated person's~~~~inmate's~~ new name.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Section 1279.5, Code of Civil Procedure.

Article 3. Escapes

Section 3295 is amended to read:

3295. Duty of Employees to Prevent Escapes.

It is the duty of every employee to do everything possible to prevent the escape of an incarcerated person~~inmate~~.

Comment: Former DP-4301, duty of employees to prevent escapes.

Section 3297 is amended to read:

3297. Air Space Management.

(a) Staff and incarcerated persons~~inmates~~ shall be notified and warning signs posted to indicate that any incarcerated person~~inmate~~ who without authorization moves toward an aircraft on or near facility property may be fired upon to prevent an escape.

Subsections 3297(b) through 3297(b)(3) remain unchanged.

(4) ~~Inmate~~Incarcerated person failure to comply with orders to move away from any grounded aircraft shall be considered an attempt to escape.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 835a and 5054, Penal Code.

Article 4. Disorders and Emergencies

Section 3303 is amended to read:

3303. Safety and Security.

Introductory language through 3303(a)(1) remain unchanged.

(2) Noncombustible receptacles shall be provided in incarcerated person~~inmate~~ living areas for disposal of such forms of refuse as cans, paper, and dust, and the disposal of flammable liquids and rags shall be in accordance with the uniform fire code.

(3) Facilities with female incarcerated persons~~inmates~~ shall have a complement of female firefighters assigned to its fire department.

(4) Staff and incarcerated persons~~inmates~~ shall be familiar with fire evacuation routes, exits, and procedures. An evacuation drill shall be conducted quarterly on each watch. Where such drill would jeopardize personal safety or facility security, staff shall conduct a walk-through of the procedures.

Subsections 3303(a)(5) through 3303(b) remain unchanged.

(1) No staff member or incarcerated person~~inmate~~ shall use or handle harmful physical agents and toxic or hazardous substances as defined in 8 CCR, subchapter 7, sections 3204(c)(13) and 5194(c), until trained in the safe handling of and emergency procedures for the use and handling of such agents or substances.

(2) Except for authorized use of gasoline, incarcerated persons~~inmates~~ shall not, without direct staff supervision, have access to harmful physical agents and hazardous or toxic substances, or the inventories of such agents or substances.

Subsections 3303(c) through 3303(e) remain unchanged.

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

Department of Consumer Affairs Bureau of Home Furnishings Technical Bulletin NO. 121 remains unchanged.

Section 3304 is amended to read:

3304. Hostages.

Employees must not permit incarcerated persons~~inmates~~ or others to use hostages to escape from custody or otherwise interfere with orderly institutional operations. Hostages will not be recognized for bargaining purposes. All incarcerated persons~~inmates~~, visitors and staff will be informed of this regulation.

Comment: Former DP-4405, hostages.

Article 5. ~~Inmate~~Incarcerated Person Discipline

Section 3310 is amended to read:

3310. Definitions.

Introductory language remains unchanged.

(a) Camp means the type of subfacility of an institution which is normally located in a rural area and which has no secure (fenced or walled) perimeter. Camp incarcerated persons~~inmates~~ are generally assigned to conservation and/or road details.

(b) Community-access facility means a facility located in the community, administered by the Division of Adult Parole Operations, where incarcerated persons~~inmates~~ have access to the community for work or training and which has no secure (fenced or walled) perimeter.

(c) Community correctional facility means a facility located in the community, administered by the Parole and Community Services Division, where incarcerated persons~~inmates~~ do not have unsupervised access to the community and which has a secure (fenced) perimeter.

Subsection 3310(d) through 3310(f) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 6252 and 6260, Penal Code.

Section 3312 is amended to read:

3312. Disciplinary Methods.

(a) ~~Inmate~~Incarcerated person misconduct shall be handled by:

Subsection 3312(a)(1) remains unchanged.

(2) Counseling Only Rules Violation Report. When similar minor misconduct reoccurs after verbal counseling or if documentation of minor misconduct is needed, a description of the misconduct and counseling provided shall be documented on a Counseling Only Rules Violation Report. This Counseling Only Rules Violation Report is meant for documenting an event or misconduct on the part of the incarcerated person~~inmate~~; the Chrono is auto populated with the incarcerated person'~~inmate~~'s name number and date. A copy of the completed Counseling Only Rules

Violation Report shall be provided to the incarcerated person~~inmate~~. Disposition of any contraband involved shall also be documented in the Counseling Only Rules Violation Report.

(3) Rules Violation Report. When misconduct is believed to be a violation of law or is not minor in nature, it shall be reported on a Rules Violation Report (RVR). The RVR is a computer generated standard form with information inputted by staff. The RVR will be digitally signed by the reporting employee. The RVR shall contain, at a minimum, the following elements: The charged incarcerated person's~~inmate's~~ name, number, release date, facility, housing assignment, violation date, violation time, (Violation date and time means discovery date and time) whether or not the misconduct was related to Security Threat Group activity, circumstances surrounding the misconduct, the reporting employee's; name, and title, RVR log number, the violated CCR, Title 15 rule number, specific act, level, division, whether or not the charge will be referred for prosecution, reviewing supervisors name and title, and the classifying official's name and title. The RVR shall include; a section for the incarcerated person~~inmate~~ to indicate whether or not they wish to postpone the RVR process if felony prosecution is likely, a section to indicate if they wish to request or waive an assignment of a Staff Assistant or Investigative Employee. A summary of disciplinary procedures and incarcerated person~~inmate~~ rights is also provided to the incarcerated person~~inmate~~ explaining the administrative hearing time frames, the roles of both the staff assistant and the investigative employee, and the referral for prosecution is explained. The incarcerated person's~~inmate's~~ appeal rights are also explained.

(A) Unless an incarcerated person~~inmate~~ charged with serious misconduct requires temporary restricted housing pursuant to section 3335(c) pending adjudication of the disciplinary charges, the incarcerated person~~inmate~~ may be retained in regularly assigned housing, work, and program assignments.

(B) If the incarcerated person~~inmate~~ is placed in a restricted housing unit pending the disciplinary proceedings, the official making the housing decision shall ensure compliance with the provisions of article 7 of this subchapter.

(b) Stacking of RVRs is prohibited. If two or more rules violations are related during a single event, the ~~inmate~~incarcerated person shall be charged with and issued a single RVR for the most serious of the related rules violations. Other related rules violation(s) shall be noted in the RVR as supporting evidence. When staff are authoring RVRs, staff shall ensure that they are not stacking RVRs. The reviewing supervisor shall ensure that stacking of RVRs has not taken place.

Subsections 3312(c) through 3312(c)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

Section 3313 is amended to read:

3313. Classification of Rules Violation Report and Notice of Pending Charges.

Subsection 3313(a) remains unchanged.

(1) A CDCR Form 804 (Rev. ~~08/0007/24~~), Notice of Pending CDCR-115, shall be completed by the classifying official and forwarded to Case Records within 48 hours of the incarcerated person~~inmate~~ being charged with a serious level offense (Division "F" through "A-1").

(A) For parole violators who are charged with any Division "A", "B", or "C" offense, or any incarcerated person~~inmate~~ who refuses to sign general and/or special conditions of parole or any

form required by the Department of Justice explaining ~~his/her~~ their responsibility to register under Penal Code section 290, Case Records staff shall ensure that the CDCR Form 804 is expedited to the Classification and Parole Representative to ensure revocation or revocation extension processes are initiated.

Subsections 3313(b) through 3313(c)(4) remain unchanged.

(A) When a rehearing is ordered by the chief disciplinary officer or director, the incarcerated person~~inmate~~ shall be provided all rights and procedural safeguards of a serious rule violation hearing.

(B) An order for a rehearing shall be in writing and shall include the reasons for the order. A copy of the order shall be provided to the incarcerated person~~inmate~~.

Subsection 3313(c)(4)(C) remains unchanged.

(5) If the RVR is reclassified from administrative to serious, the incarcerated person~~inmate~~ shall receive written notice and shall be subject to the provisions of Section 3315 of these regulations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2932 and 5054, Penal Code; *In re Hamilton* (1991) 230 Cal.App.3d 1592, 281 Cal. Rptr. 900.

Section 3314 is amended to read:

3314. Administrative Rule Violations.

(a) Incarcerated person~~Inmate~~ misconduct reported on a RVR shall be classified administrative if:

Subsections 3314(a)(1) through 3314(a)(3)(E) remains unchanged.

(F) Failure to meet work or program expectations within the incarcerated person's~~inmate's~~ abilities.

Subsections 3314(a)(3)(G) through 3314(a)(3)(M) remain unchanged.

(N) Possession or constructive possession of another incarcerated person's~~inmate's~~ authorized wireless communication device.

Subsection 3314(b) remains unchanged.

(c) The incarcerated person~~inmate~~ does not have the right to call witnesses or to have an investigative employee assigned.

(d) If deemed necessary by the hearing official, the hearing shall be suspended and the incarcerated person~~inmate~~ shall be provided staff assistance pursuant to section 3318(b).

(e) The hearing official may find the incarcerated person~~inmate~~ guilty and order one or more of the following dispositions:

Subsections 3314(e)(1) through 3314(e)(2) remain unchanged.

(3) Placement into privilege group B or C for no more than a 30-day period starting the date the rule violation report was adjudicated. Incarcerated persons~~Inmates~~ placed into Privilege Group C as a result of a disciplinary action who are participating in the Mental Health Services Delivery System at the Enhanced Outpatient Program level of care or higher shall be referred to the Interdisciplinary Treatment Team by the hearing official by documenting the information on a

CDCR Form 128-MH5 (Rev. 05/14), Mental Health Referral Chrono, as a routine referral for program review.

Subsections 3314(e)(4) through 3314(e)(5) remain unchanged.

(6) Confinement to quarters for a period not to exceed five consecutive days. Incarcerated persons~~Inmates~~ serving confinement to quarters shall be released to attend work and program assignments.

(7) Placement of a restriction or hold on the incarcerated person's~~inmate's~~ trust account for rule violations involving state or personal property as described in section 3190 when the incarcerated person~~inmate~~ refuses to pay for the repair or replacement of such property or canteen.

(8) Suspension of all or part of any disposition for up to 90 days based on the incarcerated person's~~inmate's~~ acceptance of and compliance with conditions specified for suspension of the disposition.

Subsection 3314(e)(9) remains unchanged.

(10) Incarcerated persons~~Inmates~~ placed in a Restricted Housing Unit, Privilege Group D, who are found guilty of any RVR deemed administrative per this section are subject to temporary loss of entertainment appliances as follows:

Subsections 3314(e)(10)A. through 3314(10)C. remain unchanged.

(f) The hearing official may find the incarcerated person~~inmate~~ guilty of the charge but, in the interest of justice or because of extenuating circumstances, dismiss the formal rule violation charge and report the misconduct as a custodial counseling on a Counseling Only Rules Violation Report pursuant to section 3312. In such cases the RVR shall be processed pursuant to section 3326.

(g) The hearing official may find the incarcerated person~~inmate~~ not guilty and dismiss the charges.

(h) The hearing official may designate the rule violation serious if it is determined in the fact-finding phase of an administrative violation hearing that the misconduct is a serious rule violation. The disciplinary hearing official shall terminate the hearing and issue a serious RVR to the incarcerated person~~inmate~~.

(i) Classification Committee Review. When the hearing official determines that an incarcerated person~~inmate~~ is a program failure, as defined in section 3000, the hearing official shall refer the administrative disciplinary action for possible review by a classification committee to affirm or modify the incarcerated person's~~inmates~~ program, work/privilege group, or housing assignment.

(j) If the hearing official finds the incarcerated person~~inmate~~ guilty of a rule violation which includes a nexus to a STG, a copy of the completed Rules Violation Report shall be forwarded to the STG Lieutenant.

Subsection 3314(k) remains unchanged.

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

Section 3315 is amended to read:

3315. Serious Rule Violations.

(a) ~~Inmate~~Incarcerated person misconduct reported on a RVR shall be classified serious if:

Subsections 3315(a)(1) through 3315(a)(3) remain unchanged.

(A) Misconduct reportable to the incarcerated person's inmate's releasing authority.

Subsections 3315(a)(3)(B) through 3315(a)(3)(J) remain unchanged.

(K) Recurring failure to meet work or program expectations within the incarcerated person's inmate's abilities when lesser disciplinary methods failed to correct the misconduct.

Subsections 3315(a)(3)(L) through 3315(a)(3)(O) remain unchanged.

(P) Throwing any liquid or solid substance on a ~~nonprisoner~~ non-incarcerated person.

(Q) Unauthorized possession of departmental records or documents which could affect any incarcerated person's inmate's release status.

Subsections 3315(a)(3)(R) through 3315(a)(3)(Y) remain unchanged.

(Z) Security Threat Group (STG) Directing or Controlling Behavior: Demonstrating activity, behavior or status as a recognized member and/or leader of an STG, which jeopardizes the safety of the public, staff or other incarcerated person(s) inmate(s), and/or the security and orderly operation of the institution.

(AA) Security Threat Group (STG) Disruptive or Violent Behavior: Demonstrating involvement in activities or an event associated with a STG, which jeopardizes the safety of the public, staff or other incarcerated person(s) inmate(s), and/or the security and orderly operation of the institution.

(b) In addition to the disciplinary hearing, the incarcerated person inmate may be subject to restricted housing placement pursuant to sections 3312 and 3335 through 3349; and referral for prosecution when the misconduct is a criminal offense.

Subsection 3315(c) remains unchanged.

(d) An incarcerated person inmate shall be assigned an employee to assist in the investigation of matters pertaining to a disciplinary action when the chief disciplinary officer or designee determines the necessity based on the following criteria.

Subsections 3315(d)(1) through 3315(d)(1)(A)1. remain unchanged.

2. The housing status makes it unlikely the charged incarcerated person inmate can collect and present the evidence necessary for an adequate presentation of a defense.

Subsections 3315(d)(1)(A)3. through 3315(d)(1)(A)4. remain unchanged.

(B) The incarcerated person inmate may choose to waive the assignment of an investigative employee as required by subsection (2) above. The incarcerated person's inmate's request to waive assistance of an investigative employee under this subsection will be indicated in the “waived by ~~inmate~~ incarcerated person” checkbox on the RVR (formerly noted on the CDC Form 115-A and signed and dated by the incarcerated person inmate. The classifying official may choose to unassign the investigative employee based on the incarcerated person's inmate's signed waiver on the RVR.

Subsection 3315(d)(1)(C) remains unchanged.

(D) The incarcerated person inmate may not select the investigative employee, but may object to the one assigned and provide, in writing to the classifying official, the reasons for the objection. The classifying official shall evaluate the incarcerated person's inmate's objection(s) and, if determined to be reasonable, assign an alternate investigative employee to complete the

investigation. If the classifying official determines that the incarcerated person's~~inmate's~~ objections are not reasonable, the original investigative employee shall complete the investigation. The incarcerated person's~~inmate's~~ objection must be expressed prior to the beginning of the investigation. The classifying official shall document within an Informative Chrono ~~his/her~~ their decision to deny or approve a request for an alternate investigative employee, and if denied, explain the reason(s) for denial. The Informative Chrono shall be included in the Rules Violation Report documents.

Subsections 3315(d)(1)(E) through 3315(d)(2). remain unchanged.

(A) The incarcerated person~~inmate~~ shall be assigned a staff assistant, as described in section 3318(b), to assist in the preparation, and presentation of a defense at the disciplinary hearing if the classifying official determines:

1. The incarcerated person~~inmate~~ is illiterate or non-English speaking.
2. The complexity of the issues are such that assistance is necessary so the incarcerated person~~inmate~~ comprehends the nature of the charges or the disciplinary process
3. The incarcerated person's~~inmate's~~ disability is such that staff assistance would be necessary for the incarcerated person~~inmate~~ to participate in the disciplinary process.

(B) At any point prior to the disciplinary hearing, if it is discovered that the incarcerated person~~inmate~~ may need a staff assistant, the classifying official or staff at an equal or higher rank, shall be advised in writing of the need, and if appropriate per section 3315(d)(2)(A), order the assignment of the staff assistant. If the need for staff assistance is discovered by the hearing official at the time of the disciplinary hearing, the hearing official shall postpone the hearing and order the assignment of the staff assistant. In either instance, the incarcerated person~~inmate~~ shall be provided at least a 24 hour time period to allow for preparation with the assigned staff assistant prior to participating in the disciplinary hearing.

(C) An incarcerated person~~inmate~~ may refuse to accept the first staff assistant at the time of assignment or at any time during the disciplinary process.

(D) If the incarcerated person~~inmate~~ refuses the staff assistant at the time of initial assignment, a second staff assistant shall be assigned.

(E) If the incarcerated person~~inmate~~ refuses to accept the second staff assistant or withdraws acceptance of an assigned staff assistant, the assignment of another staff assistant shall not be required unless the chief disciplinary officer or designee determines that a fair hearing cannot be held without staff assistance.

1. Incarcerated person~~Inmate~~ participants in the Mental Health Services Delivery System at the level of Enhanced Outpatient Program, Mental Health Crisis Bed, Department of State Hospitals, or Developmentally Disabled Program participants at the level of DD1-DD3, are ineligible to waive or refuse the assignment of a staff assistant. The staff assistant shall perform ~~his/her~~ their required duties to the extent possible despite a waiver or refusal by the ineligible incarcerated person~~inmate~~ to cooperate.

Subsection 3315(d)(2)(F) remains unchanged.

1. When an incarcerated person~~inmate~~ has been assigned a staff assistant and an investigative employee, the staff assistant must be present during any questioning by the investigative employee.

(e) Witnesses. An incarcerated person~~inmate~~ may request that friendly and adverse witnesses attend the hearing.

Subsections 3315(e)(1) through 3315(e)(1)(C) remain unchanged.

(2) If an incarcerated person'~~inmate~~'s request for a witness is denied, the reasons shall be documented on the RVR.

(3) Whether or not the incarcerated person~~inmate~~ requests a witness, witnesses may be called if the official conducting the hearing determines the witnesses may have information necessary to the finding of fact.

(4) The reporting employee shall attend the disciplinary hearing or be available for questioning via speakerphone if requested by the incarcerated person~~inmate~~.

(5) Under the direction of the official conducting the disciplinary hearing, the incarcerated person~~inmate~~ has the right to ask questions of all witnesses called. The SHO will screen all questions to ensure they are relevant to the violation charged.

Subsection 3315(e)(6) remains unchanged.

(f) In addition to the California Code of Regulations Title 15, Division 3, section 3320(c)(1) criteria, prior to a disciplinary hearing for a serious Rules Violation Report (RVR), ~~inmates~~ incarcerated persons shall have the opportunity to review non-confidential portions of audio or video recording(s) which are directly relevant to their serious RVR offense.

(1) Audio or video recording(s) reviewed by an ~~inmate~~ incarcerated person shall be considered as evidence and included in the disciplinary hearing process.

(2) The SHO shall not deny an ~~inmate~~ incarcerated person the ability to review non-confidential audio or video recording(s) unless it contains materials mentioned in subsection 3321(a). Denial of confidential portions of audio or video recordings will be disclosed on the automated Confidential Information Disclosure Form (Rev. 7/23) which is hereby incorporated by reference.

(3) ~~Inmates~~ Incarcerated persons shall be allowed to review the audio or video recording(s) at least 24 hours prior to a serious disciplinary hearing, unless waived by the ~~inmate~~ incarcerated person in accordance with Title 15, section 3320(c)(2).

(g) Disposition. Upon completion of the fact-finding portion of the disciplinary hearing, the incarcerated person~~inmate~~ may be found:

Subsection 3315(g)(1) remains unchanged.

(2) Guilty of an administrative rather than a serious rule violation. In such case, the RVR shall be reduced to an administrative level offense and the incarcerated person~~inmate~~ may be assessed only a disposition authorized in section 3314.

Subsection 3315(g)(3) remains unchanged.

(4) If the violation included an act related to the use, possession, or distribution of controlled substances, controlled medication, drugs or drug paraphernalia; or if the incarcerated person~~inmate~~ refused to submit to a test for controlled substances or drugs, the disposition shall include an order for the incarcerated person~~inmate~~ to submit to mandatory random drug testing for one year from the date of the order.

(A) For the first offense, the incarcerated person~~inmate~~ shall be retested within 90 days.

(B) For the second and all subsequent offenses, the incarcerated person~~inmate~~ shall be placed in the MRDT program, and must provide one random drug test every 90 days for one year. With each subsequent positive test result and guilty finding, the Senior Hearing Officer shall reset the mandatory testing period.

(C) The incarcerated person~~inmate~~ shall be informed that refusal to submit to a random test or any positive test result during the mandatory random drug-testing period shall result in the issuance of a RVR and a new mandatory drug testing order.

Subsections 3315(g)(5) through 3315(g)(5)(B)3. remain unchanged.

(C) Placement into privilege group B or C for no more than a 90-day period starting from the date the rule violation report was adjudicated. ~~Inmates~~Incarcerated persons placed into Privilege Group C as a result of a disciplinary action who are participating in the Mental Health Services Delivery System at the Enhanced Outpatient Program level of care or higher shall be referred to the Interdisciplinary Treatment Team by the hearing official by documenting the information on a CDCR Form 128-MH5 (Rev. 05/14), Mental Health Referral Chrono, as a routine referral for program review.

(D) Disciplinary detention or confinement to quarters as provided in sections 3330 and 3333 for not more than a ten-day period. If facility security will not be jeopardized, the incarcerated person~~inmate~~ shall be released to attend work and program assignments.

Subsections 3315(g)(5)(D)1. through 3315(g)(5)(E) remain unchanged.

(F) Suspension of all or part of dispositions other than credit forfeitures, ordered random drug testing and classification committee referrals, for up to six months based on the incarcerated person'~~inmate~~'s compliance with the conditions specified for suspension.

Subsections 3315(g)(5)(G) through 3315(g)(5)(J) remain unchanged.

1. For the first offense, the incarcerated person~~inmate~~ shall be required to attend Alcoholics Anonymous or Narcotics Anonymous, or be placed on a wait list to attend, along with loss of pay for 90 days from a paid work assignment.

2. For the second offense, the incarcerated person~~inmate~~ shall be referred for placement into the Cognitive Behavioral Interventions (CBI) Intensive Outpatient program, provided that program eligibility criteria are met, along with loss of pay for 180 days from a paid work assignment.

3. For the third and all subsequent offenses, the incarcerated person~~inmate~~ shall be referred for placement into the CBI Intensive Outpatient program, provided that program eligibility criteria are met, and mandatory treatment shall be a condition of parole. Additionally, the incarcerated person~~inmate~~ shall be referred for removal from a paid work assignment for one year.

Subsection 3315(g)(5)(K) remains unchanged.

1. First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, incarcerated person~~inmate~~ packages, telephone privileges, and personal property.

2. Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, incarcerated person~~inmate~~ packages, telephone privileges, and personal property.

(L) ~~Inmates~~Incarcerated persons placed in Restricted Housing Unit (RHU or other restricted housing on Privilege Group D, who are deemed to be program failures, as defined in section 3000, based on conduct while in the RHU or other restricted housing, shall not possess personal entertainment appliances. An incarcerated person~~inmate~~ who is deemed a program failure by a classification committee is subject to having their personal property appliances stored by the institution pending removal of program failure designation. ~~Inmates~~Incarcerated persons deemed a program failure who receive one or more additional Administrative or Serious Rules Violation Reports while assigned to program failure status shall be required to mail out, return, donate or dispose of disallowed property in accordance with subsection 3191(c). ~~Inmates~~Incarcerated persons who are not deemed to be program failures, but who are found guilty of any RVR per this section based on their conduct while in RHU or other restricted housing, are subject to temporary loss of their entertainment appliances as follows:

Subsections 3315(g)(5)(L)1. through 3315(g)(5)(M) remain unchanged.

1. First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, incarcerated person~~inmate~~ packages, telephone privileges, and personal property.
2. Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, incarcerated person~~inmate~~ packages, telephone privileges, and personal property.

(N) Violation of Refusing to Accept an ~~Inmate~~ Assigned Housing ~~Assignment~~ of subsection 3005(c) shall result in:

1. First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, incarcerated person~~inmate~~ packages, telephone privileges, and personal property.
2. Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, incarcerated person~~inmate~~ packages, telephone privileges, and personal property, and referral to a classification committee for review and determination for program failure. An incarcerated person~~inmate~~ who is deemed a program failure by a classification committee is subject to having ~~his/her~~ their personal property/appliances stored by the institution pending removal of program failure designation.

Subsections 3315(g)(5)(O) through 3315(g)(5)(Q)3. remain unchanged.

(h) Classification Committee Review. Any serious disciplinary action requiring reconsideration of an incarcerated person'~~sinmate's~~ program, work group, or housing assignment, shall be referred to the next reasonably scheduled classification committee for review. This review shall not occur until the chief disciplinary officer's audit of the RVR has been concluded. The classification committee shall affirm or modify the incarcerated person'~~sinmate's~~ program, work group, or housing assignment.

(i) If the hearing official finds the incarcerated person~~inmate~~ guilty of a rule violation which includes a nexus to a STG, a copy of the completed Rules Violation Report shall be forwarded to the STG Lieutenant.

Subsection 3315(j) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 295, 295.1, 295.2, 296, 296.1, 296.2, 297, 298, 298.1, 298.2, 298.3, 299, 299.5, 299.6, 299.7, 300, 300.1, 300.2, 300.3,

314, 530, 532, 646.9, 647, 653, 2931, 2932, 2933, 4501.1, 4573.6, 4576, 5054 and 5068, Penal Code.

Section 3316 is amended to read:

3316. Referral for Criminal Prosecution.

Subsection 3316(a) remains unchanged.

(1) Referrals for investigation of incarcerated person~~inmate~~ criminal misconduct shall be accompanied by a JUS Form 8715 (Rev. 6/88) Department of Justice Disposition of Arrest and Court Action.

Subsection 3316(a)(2) remains unchanged.

(3) Incarcerated persons~~Inmates~~ shall be notified in writing when misconduct is referred for possible prosecution.

Subsection 3316(b) remains unchanged.

(c) Referral of an incarcerated person'~~inmate~~'s misconduct for prosecution shall not stay the time limits for a disciplinary hearing unless the incarcerated person~~inmate~~ submits a written request to the chief disciplinary officer or signs and dates the RVR, Serious Rules Violation Report, requesting postponement of the hearing pending the outcome of the referral.

Subsection 3316(c)(1) remains unchanged.

(A) The incarcerated person~~inmate~~ has revoked a postponement request; an incarcerated person~~inmate~~ may revoke a postponement request any time until the prosecuting criminal authority has filed an accusatory pleading against the incarcerated person~~inmate~~. The request shall be submitted in writing to the chief disciplinary officer or designee who shall enter a "Revoked Postponement" action in SOMS revoking the postponement request.

(B) Written notice is received from the institution head or designee that the incarcerated person'~~inmate~~'s misconduct will not be referred for prosecution pursuant to subsection (b).

Subsections 3316(c)(1)(C) through 3316(c)(2) remain unchanged.

(3) A court verdict of guilty or not guilty, resulting from a trial, shall be accepted as the finding of fact on the same charges in a disciplinary hearing. Should the court accept a plea agreement or negotiated settlement resulting in a conviction for a lesser offense than was originally charged, or if a court dismisses a charge prior to trial, the Department shall not be precluded from taking appropriate administrative action based on the facts contained in the original charge. If a court finds the incarcerated person~~inmate~~ not guilty after a finding of guilty in a disciplinary hearing, the rule violation charges shall be dismissed.

Subsection 3316(c)(4) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

Section 3317 is amended to read:

3317. Mental Health Assessments for Disciplinary Proceedings.

(a) A Mental Health Assessment is a means to incorporate clinical input into the disciplinary process when mental illness or developmental disability/cognitive or adaptive functioning deficits may have contributed to behavior resulting in a Rules Violation Report. Mental Health Assessments shall be considered by the hearing officer or senior hearing officer during disciplinary proceedings when determining whether an ~~inmate~~incarcerated person shall be disciplined and when determining the appropriate method of discipline.

(b) ~~Inmates~~Incarcerated persons who are alleged to have committed a Rules Violation shall receive a Mental Health Assessment, via completion of CDCR Form 115-MH-A (12/15), Rules Violation Report: Mental Health Assessment, which is incorporated by reference, for any of the following reasons:

(1) ~~Inmate~~Incarcerated person is a participant in the Mental Health Services Delivery System (MHSDS) at the Enhanced Outpatient Program (EOP) level of care.

(2) ~~Inmate~~Incarcerated person is a participant in the MHSDS at the Mental Health Crisis Bed (MHCB) level of care.

(3) ~~Inmate~~Incarcerated person is a participant in the MHSDS at the Psychiatric Inpatient Program, Acute Psychiatric Program or Intermediate Care Facility level of care.

(4) ~~Inmate~~Incarcerated person is a participant in the MHSDS at the Correctional Clinical Case Management System (CCCMS) level of care and has been charged with a Division A, B or C offense or any other rules violation which may result in the assessment of a Restricted Housing Unit term as defined in Section 3337, subsection (g).

(5) ~~Inmate~~Incarcerated person is a participant in the Developmental Disability Program (DDP) designated as DD1, DD2 or DD3.

(6) ~~Inmate~~Incarcerated person engaged in Indecent Exposure or Sexual Disorderly Conduct.

(7) ~~Inmate~~Incarcerated person displayed behavior that was bizarre or unusual for any ~~inmate~~incarcerated person or uncharacteristic for the particular ~~inmate~~incarcerated person at the time of the offense.

(c) Mental Health Services shall be contacted immediately for any ~~inmate~~incarcerated person who is suspected of committing self-mutilation or attempted suicide. The emergency referral shall be documented via CDCR Form 128-MH5 (Rev. 05/14), Mental Health Referral Chrono, which is incorporated by reference, identifying the specific reason(s) for the referral. If Mental Health Services determines the behavior was an act of self-mutilation or attempted suicide or a clear determination could not be made, a Rules Violation Report, shall not be issued. The behavior shall be documented on a CDC Form 128B (Rev. 04/74), General Chrono, for inclusion in the ~~inmate's~~incarcerated person's Central File.

(d) If the mental health clinician determines the ~~inmate's~~incarcerated person's actions were an attempt to manipulate staff, and were not an act of self-mutilation or attempted suicide, RVR shall be issued pursuant to Section 3315, subsection (a)(3)(W).

(e) A CDCR Form 128-MH5 shall be completed for any ~~inmate~~incarcerated person who displayed behavior that was bizarre or unusual for any ~~inmate~~incarcerated person or uncharacteristic for the particular ~~inmate~~incarcerated person at the time of the offense.

Subsection 3317(f) remains unchanged.

(g) The hearing officer or senior hearing officer shall consider mental health staff's assessment, as documented on the CDCR Form 115-MH-A, and any other relevant information, when determining whether the ~~inmate~~incarcerated person should be disciplined or the appropriate method of discipline when mental illness or developmental disability/cognitive or adaptive functioning deficits contributed to the ~~inmate's~~incarcerated person's behavior. If an ~~inmate~~incarcerated person is found guilty of the charge, the hearing officer or senior hearing officer shall consider any dispositional recommendations provided by mental health staff as documented on CDCR Form 115-MH-A or any other relevant information regarding the relationship between the ~~inmate's~~incarcerated person's mental illness and/or developmental disability/cognitive or adaptive functioning deficits, and ~~his or her~~ their misconduct, when assessing penalties.

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

Section 3317.1 is amended to read:

3317.1. Documenting Rules Violations in an Alternate Manner for ~~Inmates~~Incarcerated Persons in the Mental Health Services Delivery System or the Developmental Disability Program.

(a) If the ~~inmate's~~incarcerated person's behavior was so strongly influenced by symptoms of mental illness or developmental disability/cognitive or adaptive functioning deficits at the time the rules violation occurred, mental health staff may recommend via the CDCR Form 115-MH-A that the ~~inmate~~incarcerated person would be better served by having the behavior documented in an alternate manner. The Captain shall review the Rules Violation Report (RVR) and all other documents and information relevant to the charge, as well as the recommendation offered by the clinician on the CDCR Form 115-MH-A.

Subsection 3317.1(b) remains unchanged.

(1) If the Captain does not agree with the clinician's recommendation, the Captain shall document ~~his or her~~ their reasoning for proceeding with the disciplinary hearing on a CDC Form 128-B. The hearing officer shall proceed with hearing the Rules Violation Report as serious or administrative based on the nature of the specific charge(s). A copy of the CDC Form 128-B shall be attached to the RVR and forwarded to the hearing officer for adjudication. A copy of the CDC Form 128-B shall be issued to the ~~inmate~~incarcerated person no less than 24 hours prior to a hearing.

Subsection 3317.1(b)(2) remains unchanged.

(c) If the Captain elects to void the RVR the hearing officer shall document the decision via a memorandum and attach a copy to the CDCR Form 1154 (Rev. ~~03/08~~07/24), Disciplinary Action Log, which is incorporated by reference.

Subsection 3317.1(d) remains unchanged.

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

Section 3317.2 is amended to read:

3317.2. Behaviors Related to Mental Illness or Developmental Disability/Cognitive or Adaptive Functioning Deficits Excluded from Rules Violation Reports.

(a) ~~Inmates~~Incarcerated persons shall not be issued a Rules Violation Report for behavior that constitutes a Rule Violation under the circumstances described in subsections (1)-(4) below.

Subsection 3317.2(a)(1) remains unchanged.

(2) The behavior occurred in connection with a cell extraction for transfer of the ~~inmate~~incarcerated person to a mental health inpatient unit or between mental health inpatient units.

Subsections 3317.2(a)(3) through 3317.2(a)(4) remain unchanged.

(b) The ~~inmate's~~incarcerated person's conduct shall be documented on a CDC Form 128-B for inclusion in the ~~inmate's~~incarcerated person's central file.

(c) If the ~~inmate~~incarcerated person commits a Serious Rules Violation pursuant to Section 3315 while participating in the behavior noted above, which constitutes a Division A-1 offense as defined in Section 3323, subsection (b), an assault or battery as defined in Section 3323, subsections (d)(1), (d)(2), and (d)(3), or an assault on a peace officer or ~~non-prisoner~~non-incarcerated person as defined in Section 3323, subsections (f)(11) and (f)(12), a Rules Violation Report shall be completed and processed in accordance in accordance with this Article.

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

Section 3318 is amended to read:

3318. Assistance to ~~Inmates~~Incarcerated Persons for Serious Rule Violations.

Subsections 3318(a) through 3318(a)(1) remain unchanged.

(A) Interview the charged ~~inmate~~incarcerated person.

Subsection 3318(a)(1)(B) remains unchanged.

(C) Question all staff and ~~inmates~~incarcerated persons who may have relevant information.

Subsections 3318(a)(1)(D) through 3318(a)(1)(E) remain unchanged.

(2) A copy of the investigative employee's report shall be provided to the ~~inmate~~incarcerated person no less than 24 hours before a disciplinary hearing is held.

(3) When an investigative employee provides assistance to an ~~inmate~~incarcerated person, in lieu of or in addition to that provided by a staff assistant, the investigative employee shall do so as a representative of the official who will conduct the disciplinary hearing rather than as a representative of the ~~inmate~~incarcerated person.

(4) An investigative employee is not subject to the confidentiality provisions of subsection (b)(2)(A) and shall not withhold any information received from the ~~inmate~~incarcerated person.

Subsections 3318(b) through 3318(b)(1) remain unchanged.

(A) Inform ~~inmates~~incarcerated persons of their rights and of the disciplinary hearing procedures.

(B) Advise and assist in the inmate's incarcerated person's preparation for a disciplinary hearing, represent the inmate's incarcerated person's position at the hearing, ensure that the inmate's incarcerated person's position is understood, and that the inmate incarcerated person understands the decisions reached.

(C) Refrain from giving legal counsel or specifying the position the inmate incarcerated person should take in any disciplinary, classification or criminal proceeding.

(2) The inmate incarcerated person shall be informed that:

(A) The staff assistant shall keep confidential any information the inmate incarcerated person may disclose concerning the charges for which the staff assistant was assigned.

Subsection 3318(b)(2)(B) remains unchanged.

(3) If the staff assistant becomes aware that the inmate incarcerated person is contemplating future criminal conduct, the staff assistant shall disclose this information if necessary to protect potential victims and prevent the contemplated crime.

(4) The staff assistant shall inform the inmate incarcerated person that all evidence and information obtained and considered or developed in the disciplinary process may be used in court if the same charges have been or are to be referred to the district attorney for possible criminal prosecution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

Section 3320 is amended to read:

3320. Hearing Procedures and Time Limitations.

(a) A classified copy of the RVR and any additional/supplemental information (formerly documented on the CDC Form 115-C) detailing any elements of the violation charged shall normally be provided to the inmate incarcerated person within 15 days from the date the information leading to the charges is discovered by staff or, in the case of an escapee, within 15 days after the escapee's return to the department's custody, or in the case of an ACP Participant's removal from the community, within 15 days of the participant's return to an institution

(1) Any additional SOMS generated supplemental reports shall contain the standard auto populated information such as the inmate's incarcerated person's name and number, housing, RVR log number, date of the RVR, violation rule number and title, and incident type. The purpose of the supplemental reports is to provide a continuation of the RVR circumstances, hearing, IE report, or other.

(2) Providing the inmate incarcerated person with a copy of the classified RVR may be delayed beyond 15 days, but no more than an additional 30 days for a total of 45 days, and shall not prohibit forfeiture of credits as a penalty for the misconduct when all of the following criteria are met:

Subsections 3320(a)(2)(A) through 3320(a)(2)(B) remain unchanged.

(C) Within 15 days of discovering the misconduct, a written request to delay the inmate's incarcerated person's notification, including the reasons for the delay, is approved by the chief disciplinary officer.

Subsection 3320(a)(3) remains unchanged.

(b) The charges shall be heard within 30 days from the date the inmate incarcerated person is provided a classified copy of the RVR unless the charges were referred for possible prosecution and the inmate incarcerated person has been granted a request for postponement of the disciplinary proceedings pending the outcome of the referral, if exceptional circumstances exist pursuant to section 3000, or the inmate incarcerated person is transferred out of the custody of the department.

Subsection 3320(b)(1) remains unchanged.

(c) A disciplinary hearing shall not be held until the inmate incarcerated person has been provided:

Subsection 3320(c)(1) remains unchanged.

(2) At least 24 hours to review the material and prepare for the hearing. The hearing may be held earlier if the inmate incarcerated person waives the 24-hour period.

(d) A hearing may be postponed up to 30 days upon receipt of the inmate's incarcerated person's written request to the CDO showing a reasonable need for postponement. The CDO will evaluate the request and approve or deny it based on its credibility. Postponement shall not bar any credit forfeiture.

Subsections 3320(e) through 3320(f) remain unchanged.

(1) The inmate incarcerated person was not provided a copy of the RVR within 15 days after the discovery of information leading to the charges except as other provided in (a).

(2) The official conducting the hearing did not establish that the information or evidence was not reasonably discoverable within 30 days or sooner or when the inmate incarcerated person is not provided a copy of the RVR within 15 days of the misconduct, unless (a) is applicable.

(3) The disciplinary hearing was not held within 30 days of the date the inmate incarcerated person was provided a classified copy of the RVR, unless the inmate incarcerated person requested and was granted a postponement of the hearing pending outcome of the referral pursuant to section 3316, exceptional circumstances as defined in Section 3000 exist, or if the inmate incarcerated person is transferred out of the custody of the department.

(4) A disciplinary hearing was not held within 30 days after the chief disciplinary officer was notified of the outcome of a prosecution referral or within 30 days of the inmate's incarcerated person's revoked request for postponement of the hearing, if an accusatory pleading was not filed against the inmate incarcerated person.

(5) The inmate incarcerated person was not provided a written explanation of the exceptional circumstances preventing a hearing within 30 days after the inmate incarcerated person was provided a copy of the RVR and the official conducting the hearing did not establish in the findings of the hearing that the delay did not prejudice the inmate incarcerated person.

(g) The inmate incarcerated person shall normally be present at a disciplinary hearing. When a disciplinary hearing is held without the inmate incarcerated person present, the reason for the absence shall be documented during the hearing on the RVR. The inmate incarcerated person shall be present at a disciplinary hearing unless:

(1) A psychiatrist has determined that the inmate incarcerated person suffers from a serious mental disorder preventing the inmate's incarcerated person's understanding of or participation in the hearing, and there is a compelling reason or need to proceed with the hearing.

(2) The inmate incarcerated person was convicted of escape in court and has not been returned to the facility or jurisdiction from which the escape occurred.

(3) The inmate incarcerated person has waived the right to be present in writing, or in the case of a refusal to sign a waiver, the refusal was witnessed by a custody officer, documented on a CDC Form 128-B (Rev. 4/74), and attached to the RVR for review by the Senior Hearing Officer at the disciplinary hearing and by the Chief Disciplinary Officer following adjudication of the rules violation report.

(h) Staff who observed, reported, classified, supplied supplemental reports to, or investigated the alleged rule violation; who assisted the inmate incarcerated person in preparing for the hearing; or for any other reason have a predetermined belief of the inmate's incarcerated person's guilt or innocence shall not hear the charges or be present during deliberations to determine guilt or innocence and disposition of the charges.

(i) An inmate incarcerated person witness shall not be transferred between facilities to testify at a hearing unless the chief disciplinary officer of the facility hearing the charges determines a fair and impartial hearing cannot be conducted unless the witness is present. When a witness is not available, the chief disciplinary officer of the facility where the witness is located shall be notified of the need to appoint an investigative employee to discuss the case with the investigative employee of the facility conducting the disciplinary hearing; to interview the witness, prepare a written investigative report, and forward the report to the facility where the hearing will be conducted.

(j) When an inmate incarcerated person whose rule violation charges are being adjudicated is ordered to leave the hearing room, all witnesses, including staff witnesses, shall also leave the room. The inmate incarcerated person has a right to be present when any witness is present at the hearing.

(k) When a serious rule violation occurs during transportation of an inmate incarcerated person, transporting staff witnesses shall be present at the hearing if requested, or shall be available for questioning by telephone during the disciplinary hearing.

(l) The inmate incarcerated person may present documentary evidence in defense or mitigation of the charges. Any finding of guilt shall be based upon determination by the official(s) conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge. At the conclusion of the disciplinary hearing, the inmate incarcerated person shall be informed of the findings and disposition of the charge and of the right to and procedure for appeal of the action. Within five working days following review of the RVR by the chief disciplinary officer, the inmate incarcerated person shall be provided a copy of the completed Hearing Results containing the findings, disposition, and evidence relied upon in reaching the conclusions.

(m) When an inmate incarcerated person is charged with possession of unauthorized or dangerous items or substances, or when unauthorized or dangerous items or substances are associated with commission of the charged rule violation, the hearing official shall record the disposition of the item or substance in the disposition section of the RVR.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 2932 and 5054, Penal Code.

Section 3320.1 is amended to read:

3320.1. Hearings for Transferred ~~Inmates~~Incarcerated Persons.

(a) An ~~inmate's~~incarcerated person's pending disciplinary hearing shall be conducted before the ~~inmate~~incarcerated person is transferred to another facility unless any one of the following circumstances apply:

Subsection 3320.1(a)(1) remains unchanged.

(2) The ~~inmate~~incarcerated person is charged with escape from a Level I or II facility and will not be returned to the facility from which the ~~inmate~~incarcerated person escaped.

(3) The ~~inmate~~incarcerated person requires emergency medical or psychiatric treatment.

(b) When an ~~inmate~~incarcerated person is transferred before a disciplinary hearing or a rehearing is ordered on the rule violation charges after the ~~inmate's~~incarcerated person's transfer, one of the following methods shall be used to facilitate the disciplinary hearing process:

(1) The ~~inmate~~incarcerated person may be returned to the facility where the violation occurred.

(2) The institution head at the facility where the violation occurred may request the hearing be conducted by staff where the ~~inmate~~incarcerated person is currently housed or staff from the facility where the violation occurred may conduct the hearing at the facility where the ~~inmate~~incarcerated person is housed.

Subsections 3320.1(b)(2)(A) through 3320.1(b)(2)(B) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932, 5054 and 5068, Penal Code.

Section 3321 is amended to read:

3321. Confidential Material.

Subsection 3321(a) remains unchanged.

(1) Information which, if known to the ~~inmate~~incarcerated person, would endanger the safety of any person.

Subsection 3321(a)(2) remains unchanged.

(3) Specific medical or psychological information which, if known to the ~~inmate~~incarcerated person, would be medically or psychologically detrimental to the ~~inmate~~incarcerated person.

Subsections 3321(a)(4) through 3321(b)(2) remain unchanged.

(3) The documentation given to the ~~inmate~~incarcerated person shall include:

Subsections 3321(b)(3)(A) through 3321(d) remain unchanged.

(1) Only case information meeting the criteria for confidentiality shall be filed in the confidential section of an ~~inmate's/parolee's~~incarcerated or supervised person's central file.

Subsections 3321(d)(2) through 3321(d)(3) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1798.34, 1798.40, 1798.41 and 1798.42, Civil Code; Section 6255, Government Code; Sections 2081.5, 2600, 2601, 2932, 5054 and 5068, Penal Code; and *Illinois v. Gates*, 462 U.S. 213 (1983).

Section 3322 is amended to read:

3322. Length of Confinement.

(a) No ~~inmate~~incarcerated person shall be kept in disciplinary detention or confined to quarters more than ten days. The chief disciplinary officer may shorten time spent in disciplinary detention or confined to quarters if the ~~inmate~~incarcerated person appears ready to conform and the facility disciplinary process will benefit by such an action. When the disciplinary detention or confined to quarters disposition has expired and continued restricted housing is deemed necessary, the ~~inmate~~incarcerated person shall be processed pursuant to section 3335.

Subsection 3322(b) remains unchanged.

(c) No ~~inmate~~incarcerated person shall be confined to quarters or otherwise deprived of exercise as a disciplinary disposition longer than ten days unless, in the opinion of the institution head, the ~~inmate~~incarcerated person poses such an extreme management problem or threat to the safety of others that longer confinement is necessary. The director's written approval is required for such extended confinement.

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

Section 3323 is amended to read:

3323. Disciplinary Credit Forfeiture Schedule.

(a) Upon a finding of guilt of a serious rule violation, a credit forfeiture against any determinate term of imprisonment or any minimum eligible parole date for an ~~inmate~~incarcerated person sentenced to an indeterminate sentence, as defined in section 3000 Indeterminate Sentence Law (ISL), shall be assessed within the ranges specified in (b) through (h) below:

Subsections 3323(b) through (c) remain unchanged.

(1) Aggravated battery on a ~~non-inmate~~non-incarcerated person by means of gassing.

Subsections 3323(c)(2) through 3323(d)(2) remain unchanged.

(3) Battery on a ~~non-prisoner~~non-incarcerated person.

Subsections 3323(d)(4) through 3323(e) remain unchanged.

(1) Battery on an ~~inmate~~incarcerated person by means of gassing.

Subsections 3323(e)(2) through 3323(f)(7) remain unchanged.

(8) Assault or battery, including sexual assault or battery, on a ~~prisoner~~incarcerated person with no serious injury.

Subsections 3323(f)(9) through 3323(f)(10) remain unchanged.

(11) Assault on a ~~non-prisoner~~non-incarcerated person.

Subsections 3323(f)(12) through 3323(f)(13) remain unchanged.

(14) Possession or constructive possession of a wireless communication device, not expressly authorized by the Secretary pursuant to subsection 3190(k)(8). Penal Code section 4576(c) provides that an ~~inmate~~incarcerated person found to be in possession of a wireless communication device shall be subject to time credit denial or loss of up to 90 days. An ~~inmate~~incarcerated person

in possession of a wireless communication device, authorized by the Secretary, shall not receive any time credit denial or loss.

Subsections 3323(f)(15) through 3323(g)(3) remain unchanged.

(4) Forgery or falsification or alteration of any government document or record not affecting an inmate's incarcerated person's term of imprisonment.

Subsections 3323(g)(5) through 3323(i) remain unchanged.

(j) Inmates incarcerated persons shall be provided written notice of any credit forfeited by disciplinary action, of anticipated release date changes based on credit forfeiture set aside through the departmental appeal process, or a Board of Parole Hearings review.

(k) If an inmate incarcerated person is held beyond an established parole date because of a disciplinary or prosecution action, the number of days the inmate incarcerated person is overdue when released shall be deducted from their parole period when one or more of the following apply:

(1) The inmate incarcerated person is found not guilty of the charges.

(2) No credit is forfeited as a result of the disciplinary hearing.

(3) An inmate incarcerated person appeal results in reduction of the credit forfeiture ordered in the disciplinary hearing.

Subsection 3323(k)(4) remains unchanged.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 148, 241, 243, 295-300.3, 314, 647, 1170.05, 2932, 2933, 4500, 4501, 4501.1, 4573.6, 4576, 4600, 5054 and 12020, Penal Code.

Section 3324 is amended to read:

3324. Conduct Reportable to the Releasing Authority.

(a) Rules of the Board of Parole Hearings and those of the Narcotic Addict Evaluation Authority require that specific acts of inmate incarcerated person conduct be reported to the appropriate releasing authority when the inmate incarcerated person has an established or anticipated release date on an indeterminate term or period of confinement. The applicable Board of Parole Hearings and Narcotic Addict Evaluation Authority rules are set forth in Divisions 2 and 5 of Title 15, California Administrative Code, and are hereby incorporated by reference in the rules of the Secretary of Corrections and Rehabilitation.

Subsection 3324(b) remains unchanged.

(c) Releasing authority members and representatives may sit in the factfinding and disposition phase of a disciplinary hearing held in conjunction with a hearing by the releasing authority for release reconsideration. Releasing authority members and representatives will not act as factfinders or decision makers in the disposition of disciplinary charges against an inmate incarcerated person. However, the members and representatives of the releasing authority may participate in the factfinding phase of the disciplinary hearing as deemed necessary to bring out information which will aid in determining appropriate action relative to the inmate's incarcerated person's scheduled or anticipated release.

Subsection 3324(d) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2931, 3060 and 5054, Penal Code; Section 3051, Welfare and Institutions Code.

Section 3326 is amended to read:

3326. Records of Disciplinary Matters.

Subsection 3326(a) remains unchanged.

(1) When an inmate incarcerated person is held responsible for the act charged, copies of all documents prepared for and used in the disciplinary proceedings shall be placed in the inmate's incarcerated person's central file. A copy of the completed RVR shall be provided to the inmate incarcerated person.

(2) When the inmate incarcerated person is found not guilty of the act charged or when the charge is dismissed for any reason, a copy of the action taken shall be provided to the inmate incarcerated person. All electronic copies of documents prepared for and used in the disciplinary process shall be removed from general view and stored in SOMS, serving as the Register of Institutional Violations.

(3) Unless information developed through the disciplinary process, such as enemy information, needs to be considered in future classification committee determinations affecting an inmate incarcerated person found not guilty of a rule violation or whose charges were dismissed, no other recording or document relating to the rule violation charge or disciplinary proceedings shall be placed in files pertaining to the inmate incarcerated person.

(b) Information developed through the disciplinary process, classification committee determinations affecting the inmate incarcerated person, or events requiring explanation shall be recorded by the disciplinary hearing officer on a CDC Form 128-B, Informative Chrono, and referred to the classification committee. Such information shall include but not be limited to the following:

(1) The reason for an inmate's incarcerated person's placement in restricted housing prior to adjudication of the charges if that information has not been previously considered in a classification committee hearing;

(2) Any reason for retaining the inmate incarcerated person in restricted housing after a finding of not guilty or dismissal of charges; or

(3) Any program assignment or placement change which needs to be considered in view of other inmate incarcerated person or employee animosity toward the individual.

(4) The CDC Form 128-B shall be placed in the inmate's incarcerated person's central file and a copy shall be provided to the inmate incarcerated person.

Subsection 3326(c) remains unchanged.

(d) A finding of not guilty, dismissal, or reversal of a previous finding of guilt shall require an audit and updating of any documentation in the inmate's incarcerated person's file reflecting a prehearing assumption of guilt or the original finding of guilt. Such documentation shall not be removed from the inmate's incarcerated person's file, but shall be annotated with a cross-reference to the CDC Form 128-B documenting the most recent findings and action on the charge.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 2081, Penal Code.

Article 5.5. Restoration of Forfeited Credits

Section 3327 is amended to read:

3327. Restoration of Forfeited Credits.

Subsections 3327(a) through 3327(a)(1) remain unchanged.

(2) No credit shall be restored if the inmate incarcerated person is found guilty of any subsequent rule violation that occurred within the required disciplinary-free periods provided in Section 3328.

Subsections 3327(a)(3) through 3327(a)(4) remain unchanged.

(A) The inmate incarcerated person was found guilty of use of a controlled substance, marijuana, or alcohol, based on a positive test result from a departmentally approved testing method;

(B) The inmate incarcerated person was ordered to submit to a drug test pursuant to section 3290(c) and refused the test;

(C) The inmate incarcerated person was found guilty of fermentation or distillation of materials in a manner consistent with the production of alcohol in a prison or community access facility;

(D) The inmate incarcerated person was found guilty of unauthorized possession of dangerous contraband as defined in section 3000.

Subsection 3327(a)(5) remains unchanged.

(b) Upon completion of a disciplinary-free period for Division D, E, and F offenses as provided in section 3328, an eligible inmate incarcerated person may apply to their caseworker for credit restoration by submitting a CDC Form 958 (Rev. 8/87), Application for Inmate's Restoration of Credits. A restoration hearing shall be conducted within 30 days of the inmate's incarcerated person's application. The inmate incarcerated person has a right to be present at the hearing and to a written decision of the committee.

(1) A classification action resulting in restoration of worktime credit shall be documented and forwarded to the facility's case records staff for recalculation of the inmate's incarcerated person's release date.

(2) When an inmate incarcerated person does not meet the criteria for a credit restoration hearing, the caseworker shall note the reasons on the CDC Form 958 and return it to the inmate incarcerated person.

(c) Credit shall be restored at the consideration hearing unless it is determined that the inmate incarcerated person has, since the disciplinary infraction leading to the credit forfeiture, refused or failed to perform in a work, training, or educational assignment during the required disciplinary-free period, or under extraordinary circumstances, as described in section 3329.

(1) Credit shall not be restored in an amount rendering the inmate incarcerated person overdue for release.

(2) An inmate incarcerated person who is a violent offender as defined in Penal Code (PC) Section 667.5(c), or who is serving a term upon conviction of child abuse pursuant to PC Sections 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim,

or who is an offender for whom such notification has been ordered by any court shall not be eligible for credit restoration which would result in a notification being provided to local law enforcement in less than 45 days prior to the ~~inmate's~~incarcerated person's scheduled release date.

(3) The ~~inmate~~incarcerated person shall be informed at the hearing that case records staff shall determine the actual release date which shall include a minimum of ten working days for release processing. However, if the ~~inmate~~incarcerated person is a violent offender as defined in PC Section 667.5(c) or is serving a term upon conviction of child abuse pursuant to PC Section 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim, or for whom such notification has been court ordered, the number of working days for release processing shall be sufficient to ensure that local law enforcement officials will be notified of the ~~inmate's~~incarcerated person's release in not less than the 45-day time frame required by law. A copy of the new legal status sheet reflecting the credit restoration shall be provided to the ~~inmate~~incarcerated person.

(d) If less than 100 percent of restorable credits forfeited are restored by the classification committee, the ~~inmate~~incarcerated person may make additional applications for restoration upon completion of additional disciplinary-free periods until all restorable credit is restored or the ~~inmate~~incarcerated person is released from custody.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 273a, 273ab, 273d, 667.5, 2932, 2932.5, 2933, 3058.6, 3058.9 and 5054, Penal Code.

Section 3328 is amended to read:

3328. Disciplinary-Free Periods.

(a) A disciplinary-free period shall commence immediately following the date and time an inmate~~in~~carcerated person is identified (date of discovery of information leading to the charge) as committing a rules violation.

(b) An ~~inmate~~incarcerated person may apply for restoration of 100 percent of any credit forfeited for a Division "D" or "E" offense, not identified in section 3327, after remaining disciplinary free for 180 days.

(1) If less than 180 days remain before the ~~inmate's~~incarcerated person's established release date, a one-time application may be made within 90 days of the established release date when the ~~inmate~~incarcerated person has remained disciplinary free for a minimum of 60 days.

(2) Violent offenders as defined in PC Section 667.5(c) and offenders serving a term upon conviction of child abuse pursuant to PC Sections 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim, or for whom such notification has been ordered by any court, shall be eligible for the one-time credit restoration application only if local law enforcement officials can be notified of the ~~inmate's~~incarcerated person's release in not less than the 45-day time frame required by law.

(c) An ~~inmate~~incarcerated person may apply for restoration of 100 percent of any credit forfeited for a Division "F" offense, not identified in section 3327, after remaining disciplinary free for 90 days.

(1) If less than 90 days remain before the ~~inmate's~~incarcerated person's established release date, a one-time application may be made within 60 days of the established release date when the ~~inmate~~incarcerated person has remained disciplinary free for a minimum of 30 days.

(2) Violent offenders as defined in PC Section 667.5(c) and offenders serving a term upon conviction of child abuse pursuant to PC Sections 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim, or for whom such notification has been ordered by any court, shall be eligible for the one-time credit restoration application only if local law enforcement officials can be notified of the ~~inmate's~~incarcerated person's release in not less than the 45-day time frame required by law.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 273a, 273ab, 273d, 667.5(c), 2932, 2933, 3058.6, 3058.9 and 5054, Penal Code.

Section 3329 is amended to read:

3329. Extraordinary Circumstances.

Subsections 3329(a) through 3329(b)(2) remain unchanged.

(3) The ~~inmate~~incarcerated person induced others to participate in the act or occupied a position of leadership or dominance over the other participants.

(4) The ~~inmate~~incarcerated person threatened witnesses, prevented or dissuaded witnesses from testifying, induced others to perjure themselves or in any way interfered in the investigation or adjudication of the act.

(5) The ~~inmate's~~incarcerated person's misconduct included other acts which could have resulted in the forfeiture of additional credits.

Subsection 3329(b)(6) remains unchanged.

(7) The ~~inmate~~incarcerated person involved ~~nonprisoners~~non-incarcerated persons in the act.

Subsection 3329(b)(8) remains unchanged.

(9) The ~~inmate~~incarcerated person took advantage of a position of trust or confidence.

(10) The ~~inmate~~incarcerated person engaged in a pattern of violent conduct.

(11) The ~~inmate's~~incarcerated person's record documents numerous acts of and/or increasingly serious misconduct.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 4573.6 and 5054, Penal Code.

Section 3329.5 is amended to read:

3329.5. Automatic Restoration of Forfeited Credits.

(a) Notwithstanding sections 3327, 3328, and 3329, Good Conduct Credit shall be restored for a Division “D,” “E,” or “F” offense discovered by department staff on or after May 1, 2017, if an ~~inmate~~incarcerated person remains disciplinary-free for a period of 90 calendar days with the following exceptions:

Subsections 3329.5(a)(1) through 3329.5(a)(2) remain unchanged.

(b) The “90 calendar day” period shall commence immediately following the date and time an ~~inmate~~incarcerated person is identified as committing a rules violation, meaning the date and time that sufficient information was discovered by department staff to identify the ~~inmate~~incarcerated person as the person responsible for the offense.

(c) “Disciplinary-free” means the ~~inmate~~incarcerated person is not found guilty of a subsequent administrative or serious rules violation that was discovered during the 90 calendar day period.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3058.6, 3058.9 and 5054, Penal Code.

Article 6. Disciplinary Detention

Section 3330 is amended to read:

3330. Disciplinary Detention.

(a) An ~~inmate~~incarcerated person may not be assigned to disciplinary detention as defined in section 3000 except on the order of a disciplinary committee or senior disciplinary hearing officer.

(b) Disciplinary detention may be ordered in a housing unit or section of a housing unit specifically designed for that purpose or in any room or cell which provides the necessary security, control, and restriction of the ~~inmate's~~incarcerated person's actions. When disciplinary detention is ordered in a housing unit other than a designed disciplinary detention unit, the conditions of detention will be the same as prescribed for disciplinary detention units.

(c) Disciplinary detention may be ordered as a continuous period of confinement or as intermittent confinement on holidays, weekends or days off from assigned work and program activities. When ordered as intermittent confinement, confinement shall not exceed 10 days during a 35-day period. The chief disciplinary officer shall review the treatment of an ~~inmate~~incarcerated person confined in disciplinary detention and consider a modification of sentence when evidence indicates the ~~inmate~~incarcerated person is ready to conform to the rules.

Subsection 3330(d) remains unchanged.

(e) Continuous disciplinary detention of an ~~inmate~~incarcerated person shall not exceed 10 full days without approval of the director or deputy director, institutions.

(f) If an extension beyond 10 days is approved, the warden/superintendent shall note that fact in the disposition section of the rule violation report stating the reasons for the extension and the additional amount of time the ~~inmate~~incarcerated person shall be confined, and shall sign and date the notation.

(g) A request for the director's approval to retain an ~~inmate~~incarcerated person in disciplinary detention for longer than 30 days shall be accompanied by a current psychological evaluation of the ~~inmate's~~incarcerated person's mental health. Such evaluation shall include a personal interview with the ~~inmate~~incarcerated person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

Section 3331 is amended to read:

3331. Conditions of Detention.

(a) Insofar as the safety and security of institution and for persons will permit, the physical facilities of designated disciplinary detention units will approximate those housing general population ~~inmates~~incarcerated persons.

(b) Quarters. Where adequate and secure facilities are available and the number of ~~inmates~~incarcerated persons assigned to designated disciplinary detention units permit,

~~inmates~~incarcerated persons so assigned will be housed in single occupancy quarters. When the use of multiple occupancy quarters is necessary, the number of ~~inmates~~incarcerated persons so assigned will not exceed the capacity of beds for which such quarters are equipped except as a temporary emergency measure. The office of the deputy director-institutions or the departmental duty officer will be notified when such an emergency exists for longer than 24 hours. Institution and department efforts will be coordinated as necessary to resolve the overcrowding situation as quickly as possible.

Subsection 3331(c) remains unchanged.

(1) ~~Inmates~~Incarcerated persons will not be permitted to use or possess items of personally owned property, such as radios, television sets, tape players, musical instruments, and typewriters while undergoing disciplinary detention. Personal items necessary for health and hygiene may be used if such items are not available for issue by the institution.

(2) ~~Inmates~~Incarcerated persons will not be permitted to purchase, use or possess edible or consumable canteen items while undergoing disciplinary detention.

(3) ~~Inmates~~Incarcerated persons may be deprived of the use of personally owned clothing and footwear while undergoing disciplinary detention when adequate state clothing and footwear are issued. No ~~inmate~~incarcerated person in disciplinary detention will be required to wear clothing that significantly differs from that worn by other ~~inmates~~incarcerated persons in the unit, except that temporary adjustments may be made for security reasons and for protection from self inflicted harm. No ~~inmate~~incarcerated person will be clothed in any manner intended to degrade the ~~inmate~~incarcerated person.

(d) Meals. ~~Inmates~~Incarcerated persons in disciplinary detention shall be fed the same meal and ration as is provided for general population ~~inmates~~incarcerated persons. Meals served shall supply approximately 2500 calories per day.

(e) Mail. The sending and receiving of first class mail will not be restricted while an ~~inmate~~incarcerated person is undergoing disciplinary detention. Delivery or issue of packages, publications and newspapers will be withheld during disciplinary detention.

(f) Visits. ~~Inmates~~Incarcerated persons undergoing disciplinary detention retain the right to have personal visits. Privileges and amenities associated with visiting including physical contact with visitors may be suspended during the disciplinary detention period. When the number, length or frequency of visits are limited, the ~~inmate~~incarcerated person will be permitted to choose who will visit from among persons approved to visit before the detention period began.

(g) Personal Cleanliness. ~~Inmates~~Incarcerated persons undergoing disciplinary detention will be provided the means to keep themselves clean and well-groomed. Haircuts will be provided as needed. Showering and shaving will be permitted at least three times a week.

(h) Exercise. ~~Inmates~~Incarcerated persons undergoing disciplinary detention will be permitted a minimum of one hour per day, five days per week, of exercise outside their cells unless security and safety considerations preclude such activity.

(i) Reading Material. State supplied reading material will be provided for ~~inmates~~incarcerated persons undergoing disciplinary detention. Such material may be assigned to disciplinary detention units from the ~~inmate~~incarcerated person library and will represent a cross section of material available to the general population. At the discretion of the warden or superintendent,

inmates incarcerated persons enrolled in educational programs who have textbooks in their personal property may be permitted to study such material while undergoing disciplinary detention.

(j) Legal Material. Inmates incarcerated persons undergoing disciplinary detention will not be limited in their access to the courts. Legal resources may be limited to pencil and paper, which will be provided upon request, for correspondence with an attorney or preparation of legal documents for the courts. Other legal material in an inmate's incarcerated person's personal property may be issued to an inmate incarcerated person in disciplinary detention if litigation was in progress before detention commenced and legal due dates are imminent.

(k) Privileges. All privileges generally associated with the inmate's incarcerated person's work/training incentive groups status will be suspended during a period of disciplinary detention. This includes but is not limited to: personal nonemergency telephone calls, handicraft activities, use of recreational equipment, and the viewing of television, and other privileges.

(l) Restrictions. A written report by the administrator or supervisor in charge of a disciplinary detention unit will be submitted to the chief disciplinary officer whenever an inmate incarcerated person undergoing disciplinary detention is deprived of any usually authorized item, activity or privilege. A special report to the chief disciplinary officer and to a classification committee will be made when an inmate's incarcerated person's circumstances indicate a continuing need for separation from general population or from specific persons.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code.

Section 3332 is amended to read:

3332. Administration and Supervision of Detention Units.

(a) Plan of Operation. Each warden and superintendent will establish and maintain a plan of operations for the disciplinary detention of inmates incarcerated persons, whether in a unit or section of a unit designated for this specific purpose or in conjunction with other special purpose housing of inmates incarcerated persons. Such plans will conform to the provisions of this article and will be updated as necessary to reflect current procedures and practices. A copy of the plan will be submitted to the director for review and approval annually, as scheduled for required plans.

Subsection 3332(b) remains unchanged.

(c) Visitation. Inmates incarcerated persons assigned to disciplinary detention units will be visited daily by the supervisor in charge of the unit and by an institution physician, registered nurse or a medical technical assistant. An inmate's incarcerated person's request to be visited by other staff will be promptly referred to the staff member. A timely response should be given to such requests whenever reasonably possible.

(d) Supervisor's Responsibilities. The supervisor in charge of a disciplinary detention unit is responsible for the physical security of the unit, the control of contraband within the unit, and for safe, sanitary and decent working and living conditions within the unit. When any condition within the unit or the behavior, conduct or appearance of any inmate incarcerated person confined therein appears to warrant the attention of specific or specialized staff, the matter will be promptly brought to the attention of appropriate staff.

(e) Suicide Risks. ~~Inmates~~Incarcerated persons undergoing disciplinary detention who are diagnosed by qualified medical staff as a suicide risk will be moved to a hospital setting, and medical staff will assume responsibility for such placement and for observation and supervision of the ~~inmate~~incarcerated person. Such movement and supervision will be in cooperation and coordination with custody staff.

Subsection 3332(f) remains unchanged.

(1) A ~~Disciplinary Detention~~ Isolation Log, CDCR Form 114 (Rev. 07/24), will be maintained in each designated disciplinary detention unit. Specific information required in this log will be kept current on a daily and shift or watch basis. A completed log book will be retained in the unit for as long as any ~~inmate~~incarcerated person recorded on the last page of that log remains in the unit. Storage and purging of log books will be in accordance with department schedules. One disciplinary detention/restricted housing log may serve a disciplinary detention unit and other restricted housing units which are combined and are administered and supervised by the same staff members.

(2) A separate record will be maintained on each ~~inmate~~incarcerated person undergoing disciplinary detention. This record will be compiled on automated Restricted Housing Record (Rev. 11/23), which is incorporated by reference. In addition to the identifying information required on the form, all significant information relating to the ~~inmate~~incarcerated person during the course of detention, from reception to release, will be entered on the form in chronological order.

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

Article 7. Restricted Housing

Section 3335 is amended to read:

3335. Restricted Housing Unit Placement.

(a) When an ~~inmate's~~incarcerated person's presence in an institution's General Population (GP), inclusive of the Restricted Custody General Population (RCGP) facility, presents an immediate threat to the safety of the ~~inmate~~incarcerated person or others, endangers institution security, or jeopardizes the integrity of an investigation of an alleged serious misconduct, criminal activity, or the safety of any person, the ~~inmate~~incarcerated person shall be immediately removed from the GP and placed in a Restricted Housing Unit (RHU) pursuant to subsection 3335(c). Initial placement into these units requires issuance of an automated Restricted Housing Unit Placement Notice (RHUPN) (11/23), which is incorporated by reference, and approval by an Administrative Reviewer as described in subsection 3336(b). If an Institution Classification Committee (ICC) determines continued placement in a RHU is appropriate, approval by the Classification Staff Representative (CSR) for extension or an assessed Determinate RHU term, or by the Departmental Review Board (DRB) if the ~~inmate~~incarcerated person is being assessed an Administrative RHU term, on the basis of classification committee recommendations and referrals is required. CDCR staff shall not place ~~inmates~~incarcerated persons into a RHU solely on the basis of their validation status.

Subsections 3335(b) through 3335(b)(1) remain unchanged.

(A) RHU placement for investigation of safety concerns not resulting from the ~~inmate's~~incarcerated person's own misconduct.

1. ~~Inmates~~Incarcerated persons whose safety concerns result from the ~~inmate's~~incarcerated person's own misconduct or the ~~inmate's~~incarcerated person's failure to cooperate with the investigation into their safety concerns may be denied NDRH designation by an ICC. In these cases, the ICC shall document the information detailing the misconduct and reasoning for denial of NDRH within the automated Classification Committee Chrono (05/19).

Subsections 3335(b)(1)(B) through 3335(b)(1)(D) remain unchanged.

1. If the placement in NDRH is related to being the victim of a PREA incident, the ~~inmate~~incarcerated person will be afforded all programs, privileges, and education in accordance with section 3044 and subsection 3190(b)(5)(C), of Title 15 of the CCR. If these are restricted, assigned staff shall document: 1) the opportunities that have been limited; 2) the duration of the limitation; and 3) the reasons for such limitations.

2. The facility shall assign such ~~inmates~~incarcerated persons to NDRH only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. If the period of restricted housing exceeds 30 days, reasoning shall be documented on an automated Classification Committee Chrono (05/19), which is incorporated by reference.

3. Every 30 days, the facility shall afford each such ~~inmate~~incarcerated person a review by the assigned custody supervisor to determine whether there is a continuing need for restricted housing. The review shall be documented on the CDC Form 128-B (Rev. 4/74), General Chrono. If the custody supervisor determines the need for continued restricted housing no longer exists, the ~~inmate~~incarcerated person shall be referred to the ICC for a program review.

Subsections 3335(b)(1)(E) through 3335(b)(2)(A) remain unchanged.

(c) The reasons for ordering an ~~inmate's~~incarcerated person's placement in restricted housing shall be clearly articulated on an automated RHUPN (11/23) by the initial authority who ordered placement in restricting housing.

(1) The automated RHUPN (11/23) shall include sufficient information and detail to allow the ~~inmate~~incarcerated person to present a written or verbal defense to the stated reason(s) and circumstances for restricted housing during the classification hearing.

(2) The authority to order an ~~inmate's~~incarcerated person's initial placement in restricted housing shall not be delegated below the staff level of Correctional Lieutenant or Correctional Counselor II (CCII) Supervisor, except when a lower level staff member is the highest ranking official on duty.

(3) A printed copy of the automated RHUPN (11/23) shall be issued to the ~~inmate~~incarcerated person at the time of placement in restricted housing by the official ordering placement or by staff at the level of Correctional Lieutenant, CCII Supervisor, or higher.

(A) When necessary, the official ordering restricted housing placement shall accurately document whether the ~~inmate~~incarcerated person has Limited English Proficiency (LEP), or has a disability or communication need requiring effective communication, whether there is a need for an accommodation or assistance to ensure effective communication as defined in section 3000, and if necessary, document the provision of any assistance provided that is consistent with the ~~inmate's~~incarcerated person's communication need, and document the method staff used to determine the ~~inmate~~incarcerated person understood.

(4) Restricted housing ~~inmates~~incarcerated persons returning to their endorsed institution from out-to-court or out-to-medical shall not require an updated automated RHUPN (11/23) unless the ~~inmate's~~incarcerated person's next scheduled ICC hearing was missed or the circumstances for restricted housing have changed.

(d) In addition to the automated RHUPN (11/23), the initial authority who ordered placement in restricted housing or designee shall prepare a CDC Form 114-A1 (11/23), Inmate Restricted Housing Profile, which is hereby incorporated by reference, for each ~~inmate~~incarcerated person being placed on restricted housing status.

(e) A staff member at the rank of Captain, Correctional Counselor III (CCIII) or higher may rescind the placement and order the release of an ~~inmate~~incarcerated person in restricted housing at any time prior to the initial ICC.

(f) All classification committee actions shall be documented, including a specific record of the ~~inmate's~~incarcerated person's participation, an explanation of the reason(s), and the information and evidence relied upon for the action taken. The ~~inmate~~incarcerated person shall be provided a copy of the automated Classification Committee Chrono (05/19) and copies of the completed forms relied upon in making the decisions affecting the ~~inmate~~incarcerated person.

Subsection 3335(g) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; 28 CFR Sections 115.42 and 115.43; *Wright v. Enomoto*, (1976) 462 F.Supp. 397; *Toussaint v. McCarthy* (9th Cir. 1986) 801 F.2d 1080, cert. denied, 481 U.S. 1069; *Sandin v. Connor* (1995) 515 U.S. 472; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; and *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490.

Section 3335.1 is amended to read:

3335.1. Exclusions.

(a) Removal of an ~~inmate~~incarcerated person from the General Population (GP) for the reasons described in this section is not considered placement in restricted housing and is specifically excluded from the other provisions of this article.

(b) Medical. When an ~~inmate~~incarcerated person is removed from the GP for medical or psychiatric reasons by order of healthcare staff and the ~~inmate's~~incarcerated person's placement is in a medical setting or in other housing as a medical quarantine, the ~~inmate~~incarcerated person will not be deemed as restricted housing for the purpose of this article. Restricted housing ~~inmates~~incarcerated persons with healthcare concerns shall remain on restricted housing status, regardless of housing.

(c) Lay-Over. Newly received ~~inmates~~incarcerated persons in transit or lay-over status may be restricted to assigned quarters for that purpose. Such restrictions should not be more confining than is required for institution security and the safety of persons, nor for a period longer than the minimum time required to evaluate the safety and security factors and reassignment to more appropriate housing. If restricted housing is used for this purpose, such placement shall be in accordance with the provisions of Subchapter 4, Article 7.

(d) Orientation. Newly received ~~inmates~~incarcerated persons may be restricted to assigned quarters for that purpose. Such restrictions should not be more confining than is required for institution security and the safety of persons, nor for a period longer than the minimum time required to

evaluate the safety and security factors and reassignment to more appropriate housing. If restricted housing is used for this purpose, such placement shall be in accordance with the provisions of Subchapter 4, Article 7.

Subsections 3335.1(e) and 3335.1(f) remain unchanged.

(g) Protective Housing Unit (PHU). A PHU houses inmates incarcerated persons whose safety would be endangered by general population inmates incarcerated persons, and provides secure housing and care for inmates incarcerated persons with safety concerns of such magnitude that no other viable housing options are available, subject to approval by the Departmental Review Board (DRB).

(1) An inmate incarcerated person meeting all of the following criteria may be placed in PHU:

(A) The inmate incarcerated person does not require restricted housing placement for reasons other than protection.

(B) The inmate incarcerated person is not documented as an affiliate of an STG-I.

(C) An Institution Classification Committee has determined that the inmate incarcerated person does not pose a threat to the safety or security of other inmates incarcerated person similarly housed in the PHU.

(D) The inmate incarcerated person has specific, documented and verified safety and/or enemy concerns, capable of causing and likely to cause the inmate incarcerated person great bodily injury if placed in the general population.

(E) The inmate incarcerated person has notoriety likely to result in great bodily injury to the inmate incarcerated person if placed in the general population.

(F) There is no alternative placement available that can both ensure the inmate's incarcerated person's safety and provide the level of custody required for the appropriate control of the inmate's incarcerated person's movement.

(2) The inmate's incarcerated person's uncorroborated personal report, the nature of their commitment offense or a record of prior protective custody shall not be the sole basis for PHU placement.

(3) The Departmental Review Board (DRB) shall retain sole authority for inmate incarcerated person placement in and removal from PHU.

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

Section 3335.2 is amended to read:

3335.2 Enhanced Outpatient Program Restricted Housing Unit.

(a) The Enhanced Outpatient Program Restricted Housing Unit (EOP RHU) provides secure housing and care for inmates incarcerated persons with diagnosed psychiatric disorders who are not able to function in the general population and do not require inpatient hospital care, but who require placement in restricted housing.

(b) An inmate incarcerated person shall be housed in an EOP RHU if they are included in the Mental Health Services Delivery System (MHSDS) at the EOP level of care and meet criteria pursuant to section 3335.

(c) ~~Inmates~~Incarcerated persons assigned to an EOP RHU shall be classified pursuant to section 3340. ~~Inmates~~Incarcerated persons assigned to an EOP RHU with an imposed RHU term shall be classified pursuant to section 3341.

(d) An ~~inmate~~incarcerated person included in the MHSDS at the EOP level of care and retained in RHU by an Institution Classification Committee shall be transferred to a designated EOP RHU within 30 days of RHU placement. If the ~~inmate's~~incarcerated person's inclusion in the MHSDS at the EOP level of care occurs after RHU placement, the ~~inmate~~incarcerated person shall be transferred within 30 days from the date of the inclusion at the EOP level of care.

Subsections 3335.2(d)(1) through 3335.2(d)(1)(A) remain unchanged.

(B) During a delay resulting from the ~~inmate's~~incarcerated person's refusal to transfer.

(C) The ~~inmate~~incarcerated person is out-to-court.

(D) The ~~inmate~~incarcerated person is placed in a Mental Health Crisis Bed or higher level of care.

Subsection 3335.2(d)(2) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933.6, 5054 and 5068, Penal Code; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146, 1278; *Coleman v. Wilson* 912 F.Supp. 1282 (E.D. Cal. 1995); and *Clark v. California* 123 F.3d 1267 (9th Cir. 1997).

Section 3335.3 is amended to read:

3335.3 Correctional Clinical Case Management System Restricted Housing Unit.

(a) The Correctional Clinical Case Management System Restricted Housing Unit (CCCMS RHU) provides secure housing and enhanced care for ~~inmates~~incarcerated persons with diagnosed psychiatric disorders who do not require Enhanced Outpatient Program (EOP), crisis, or inpatient levels of care, but who require placement in restricted housing.

(b) An ~~inmate~~incarcerated person shall be housed in a CCCMS RHU if they are included in the Mental Health Services Delivery System (MHSDS) at the CCCMS level of care and meet criteria pursuant to section 3335.

(c) ~~Inmates~~Incarcerated persons assigned to a CCCMS RHU shall be classified pursuant to section 3340. ~~Inmates~~Incarcerated persons assigned to a CCCMS RHU with an imposed RHU term shall be classified pursuant to section 3341.

(d) An ~~inmate~~incarcerated person included in the MHSDS at the CCCMS level of care and retained in RHU by an Institution Classification Committee shall be transferred to a designated CCCMS RHU within 30 days of RHU placement. If the ~~inmate's~~incarcerated person's inclusion in the MHSDS at the CCCMS level of care occurs after RHU placement, the ~~inmate~~incarcerated person shall be transferred within 30 days from the date of the inclusion at the CCCMS level of care.

Subsections 3335.3(d)(1) through 3335.3(d)(1)(A) remain unchanged.

(B) During a delay resulting from the ~~inmate's~~incarcerated person's refusal to transfer.

(C) The ~~inmate~~incarcerated person is out-to-court.

(D) The ~~inmate~~incarcerated person is placed in a Mental Health Crisis Bed or higher level of care.

Subsection 3335.2(d)(2) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933.6, 5054 and 5068, Penal Code; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146, 1278; *Coleman v. Wilson* 912 F.Supp. 1282 (E.D. Cal. 1995); and *Clark v. California* 123 F.3d 1267 (9th Cir. 1997).

Section 3335.4 is amended to read:

3335.4 General Population Restricted Housing Unit.

(a) The General Population Restricted Housing Unit (GP RHU) provides secure housing and care for ~~inmates~~incarcerated persons who are not included in the Mental Health Services Delivery System, but who require placement in restricted housing pursuant to section 3335.

(b) ~~Inmates~~Incarcerated persons assigned to a GP RHU shall be classified pursuant to section 3340. ~~Inmates~~Incarcerated persons assigned to a GP RHU with an imposed RHU term shall be classified pursuant to section 3341.

(c) ~~Inmates~~Incarcerated persons housed at Calipatria State Prison, Centinela State Prison, Chuckawalla Valley State Prison, or Ironwood State Prison, whose Mental Health Level of Care (MHLOC) changes require inclusion in the MHSDS at the CCCMS or EOP level of care, shall be transferred to an appropriate MHSDS RHU within 14 calendar days of the date their MHLOC change was reflected in the electronic health records system. If the ~~inmate~~incarcerated person was included in the MHSDS at the time of their arrival at one of the above institutions, the ~~inmate~~incarcerated person shall be transferred within 72 hours from the date of arrival.

Subsections 3335.4(c)(1) through 3335.4(c)(1)(A) remains unchanged.

(B) During a delay resulting from the ~~inmate's~~incarcerated person's refusal to transfer.

(C) The ~~inmate~~incarcerated person is out-to-court.

(D) The ~~inmate~~incarcerated person is placed in a Mental Health Crisis Bed or higher level of care.

Subsection 3335.4(c)(2) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933.6, 5054 and 5068, Penal Code; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146, 1278; *Coleman v. Wilson* 912 F.Supp. 1282 (E.D. Cal. 1995); *Clark v. California* 123 F.3d 1267 (9th Cir. 1997); *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida, et al.*, (N.D. Cal., No. C94-2847).

Section 3336 is amended to read:

3336. Administrative Review of Restricted Housing Unit Placement.

Subsection 3336(a) remains unchanged.

(b) An ~~inmate's~~incarcerated person's restricted housing placement shall be reviewed for retention or release by staff at the level of Captain, Correctional Counselor III (CCIII), or higher on the first business day following such placement. The review shall include the ~~inmate's~~incarcerated person's case factors, reason(s) for restricted housing, and an interview with the ~~inmate~~incarcerated person unless the ~~inmate~~incarcerated person refuses to participate.

Subsections 3336(b)(1) through 3336(b)(2) remain unchanged.

(3) When required, the Administrative Reviewer shall document the need for effective communication accommodation or assistance, the provision of any assistance provided that is

consistent with the ~~inmate's~~inmate's incarcerated person's disability or communication need, the method staff used to determine the ~~inmate~~inmate incarcerated person understood, and documentation of the presence of a Staff Assistant (SA) when required.

(4) The ~~inmate~~inmate incarcerated person shall be released to the GP if the Administrative Reviewer deems continued restricted housing placement unnecessary.

Subsection (b)(5) remains unchanged.

(A) Consult with the Captain or designee from the facility where the ~~inmate~~inmate incarcerated person is to be housed.

Subsection 3336(b)(5)(B) remains unchanged.

(C) Provide the ~~inmate~~inmate incarcerated person a copy of the automated RHUPN (11/23).

(6) If restricted housing placement is deemed appropriate, the Administrative Reviewer shall retain the ~~inmate~~inmate incarcerated person in restricted housing and address the appropriate cell status pending the ICC hearing. If placement is based on an investigation into safety concerns and the Administrative Reviewer determines placement does not appear to be based on the ~~inmate's~~inmate's incarcerated person's own misconduct, the Administrative Reviewer may grant temporary Non Disciplinary Restricted Housing for privileges and access to property pending ICC review. The determination shall be based on a review of the circumstances of placement, including any confidential documents and an interview with the ~~inmate~~inmate incarcerated person.

Subsection 3336(b)(7) remains unchanged.

(c) The Administrative Reviewer shall ensure the following procedural safeguards are afforded to the ~~inmate~~inmate incarcerated person in anticipation of the ICC hearing and that any necessary efforts to ensure effective communication are provided and documented.

Subsection 3336(c)(1) remains unchanged.

(2) Investigative Employee (IE). If an ~~inmate~~inmate incarcerated person requests witnesses or the assistance of an IE, the Administrative Reviewer may assign an IE in accordance with section 3344 and document on the automated RHUPN (11/23).

(3) ~~Inmate~~Inmate Incarcerated person Waiver. An ~~inmate~~inmate incarcerated person may waive their right to the 72-hour preparation time in writing by signing and acknowledging the waiver on the automated RHUPN (11/23), pursuant to subsection 3340(a)(2).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Taylor v. Rushen* (N.D. Cal) L-80-0139 SAW.

Section 3337 is amended to read:

3337. Determinate Restricted Housing Unit Term.

(a) An ~~inmate~~inmate incarcerated person shall be assessed a Determinate Restricted Housing Unit (RHU) term when the ~~inmate~~inmate incarcerated person is found guilty of a Rules Violation Report for an offense specifically listed in subsection 3337(g).

(b) A Determinate RHU term shall be computed using the RHU Term Matrix in subsection (g) and the automated RHU Term Computation (Rev. 11/23), which is hereby incorporated by reference. A completed copy of the automated RHU Term Computation (Rev. 11/23) shall be provided to the

~~inmate~~incarcerated person. All Determinate RHU terms shall be assessed at the set term for the offense.

Subsection 3337(b)(1) remains unchanged.

(2) ~~Inmates~~Incarcerated persons may be assessed multiple independent RHU terms, which shall be served simultaneously. The RHU term with the most distant Restricted Housing Unit Maximum Release Date (RHU MRD) shall be the controlling RHU MRD.

(3) Only rule violations with a violation date within the past five (5) years on an ~~inmate's~~incarcerated person's current CDCR number that warrant a RHU assessment shall be addressed by ICC and reviewed by the Classification Staff Representative (CSR). ICC shall assess the appropriate RHU term in accordance with subsection 3337(g) and one of the following actions:

Subsections 3337(b)(3)(A) through 3337(c) remain unchanged.

(d) ~~Inmates~~Incarcerated persons shall be assessed a Determinate RHU term for serious misconduct occurring while on Administrative RHU status provided the ~~inmate~~incarcerated person is found guilty of an offense listed in subsection 3337(g). The Administrative RHU status shall run concurrently to any/all assessed Determinate RHU terms, whether active or suspended, and upon the RHU MRD the administrative status will continue.

Subsections 3337(e) through 3337(f)(1) remain unchanged.

(g) RHU Term Matrix (Set terms for determinate confinement to RHU).

<i>Offense</i>	<i>SET TERM (Mos/Days)</i>
(1) Homicide:	
(A) Murder, attempted murder, solicitation of murder, or voluntary manslaughter of a non-inmate <u>non-incarcerated person</u> .	24
(B) Murder, attempted murder, solicitation of murder, or voluntary manslaughter of an inmate <u>incarcerated person</u> .	18
(2) Violence Against Persons:	
(A) Battery on a non-inmate <u>non-incarcerated person</u> with a weapon capable of causing serious or mortal injury; caustic substance or other fluids capable of causing serious or mortal injury; or physical force causing serious injury.	15
(B) Assault on a non-inmate <u>non-incarcerated person</u> with a weapon, capable of causing serious or mortal injury; caustic substance or other fluids capable of causing serious or mortal injury.	7/15
(C) Rape, sodomy, or oral copulation on a non-inmate <u>non-incarcerated person</u> , or any attempt.	15
(D) Battery on an inmate <u>incarcerated person</u> with a weapon capable of causing serious or mortal injury; caustic substance or other fluids capable of causing serious or mortal injury or physical force causing serious injury.	9

(E) Assault on an inmate <u>incarcerated person</u> with a weapon capable of causing serious or mortal injury; caustic substance or other fluids capable of causing serious or mortal injury.	4/15
(F) Rape, sodomy, or oral copulation on an inmate <u>incarcerated person</u> accomplished against the inmate's <u>incarcerated person's</u> will, or any attempt.	9
(G) Battery on a non-inmate <u>non-incarcerated person</u> without serious injury.	6
(H) Assault on a non-inmate <u>non-incarcerated person</u> .	3
(I) Aggravated battery by means of gassing intentionally placing or throwing, or causing to be placed or thrown upon the person of a non-inmate <u>non-incarcerated person</u> , any human excrement or bodily fluids or bodily substances, or any mixture containing human excrement or other bodily fluids or bodily substances, which results in actual contact with the person's skin or membranes.	10
(J) Battery on an inmate <u>incarcerated person</u> by means of gassing intentionally placing or throwing, or causing to be placed or thrown upon the person of an inmate <u>incarcerated person</u> , any human excrement or bodily fluids or bodily substances, or any mixture containing human excrement or other bodily fluids or bodily substances, which results in actual contact with the person's skin or membranes.	6
(3) Threat to Kill or Assault Persons:	
(A) To take or use a non-inmate <u>non-incarcerated person</u> as a hostage.	15
(B) Threat of violence to non-inmate <u>non-incarcerated person</u> , which meets the Division B criteria.	2/15
(4) Possession of a Weapon:	
(A) Possession of a firearm or possession, manufacture or attempted manufacture of an explosive device.	15
(B) Possession, manufacture or attempted manufacture of a Weapon.	4
(5) Disturbance, Riot, or Strike:	
(A) Leading a disturbance, riot, or strike	6
(B) Active participation in a disturbance, riot, or Strike (2 or more offenses within a 12 month period or 1 with direct STG nexus).	3
(6) Any inmate <u>incarcerated person</u> who conspires to commit or solicits another person to commit any of the offenses above shall receive the term specified for that offense.	

(h) "RHU MRD Term" is a combination of months, followed by days, which represents the amount of time that must pass before a Determinate RHU term expires. Unless previously suspended, the

established RHU MRD is the date the RHU term ends and the inmate incarcerated person is no longer on RHU status.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933.6, 4501.1, 4502, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida, et al.*, (N.D. Cal., No. C94-2847).

Section 3338 is amended to read:

3338. Suspending Restricted Housing Unit Terms.

(a) Determinate Restricted Housing Unit (RHU) Terms.

(1) ICC may commute or suspend any portion of a Determinate RHU term. Once commuted, the term shall not be re-imposed. ICC may suspend a Determinate RHU term any time it is determined an inmate incarcerated person no longer poses a threat to the safety of any person or the security of the institution. Additionally, ICC may suspend a Determinate RHU term for purposes of inpatient medical or mental health treatment when deemed medically necessary. Any ICC action to suspend or commute a Determinate RHU term shall clearly articulate substantive justification for the decision on the automated Classification Committee Chrono (05/19), which is incorporated by reference.

(A) ICC shall suspend any portion of a RHU term during any time the inmate incarcerated person was not on restricted housing status.

(B) The remaining time of the suspended RHU term continues to run while the inmate incarcerated person is no longer in restricted housing as long as the inmate incarcerated person remains in CDCR custody. For the purposes of this provision, "CDCR custody" includes inmates incarcerated persons out-to-court and housed in a county facility unless they are under the jurisdiction of the United States Marshals Service.

(C) The ICC action to suspend a RHU term may require CSR review for placement consideration and/or audit. ICC has the authority to release an inmate incarcerated person to a GP within the same institution pending placement review, as appropriate. If multiple RHU terms are suspended, the RHU term with the most distant RHU MRD need only be addressed. In this circumstance, any remaining RHU terms with unexpired RHU MRDs shall be considered suspended.

(2) If an inmate incarcerated person paroles while serving a Determinate RHU term, the remaining time on the RHU term is automatically suspended and any remaining time stayed. Any remaining RHU time shall be recalculated and assessed should the inmate incarcerated person return to custody, so long as the inmate incarcerated person maintains the same CDCR identification number.

(3) If an inmate incarcerated person paroles prior to assessment of a Determinate RHU term, the ICC shall address the unresolved term should the inmate incarcerated person return to CDCR custody with the same CDCR identification number, in accordance with section 3337.

Subsections 3338(b) through 3338(b)(1) remain unchanged.

(2) ICC shall refer the case to DRB if a determination is made that an inmate incarcerated person no longer poses a threat to the safety of any person or the security of the institution. DRB shall assess the inmate incarcerated person's case factors and determine appropriate housing.

(3) ICC shall refer the case to DRB if a determination is made that retention on Administrative RHU status is warranted. DRB shall assess the inmate's incarcerated person's case factors and disciplinary behavior and articulate the basis for the need to continue the inmate incarcerated person on Administrative RHU status in accordance with section 3339.

(4) If an inmate incarcerated person paroled while on an Administrative RHU term, the RHU term will be stayed. If the inmate incarcerated person returns to CDCR custody, the Administrative RHU term will be addressed in accordance with section 3339.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933.6, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; and *Coleman v. Wilson* 912 F.Supp. 1282 (E.D. Cal. 1995).

Section 3339 is amended to read:

3339. Administrative Restricted Housing Unit Term.

(a) An inmate incarcerated person in the following circumstances may be assessed an Administrative Restricted Housing Unit (RHU) term by the Departmental Review Board (DRB) when the DRB articulates a substantial justification for the need for RHU placement due to the inmate's incarcerated person's ongoing threat to safety and security of the institution and/or others, and the inmate incarcerated person cannot be housed in a less-restrictive environment and:

(1) Upon completion of a Determinate RHU term, the DRB determines the inmate's incarcerated person's case factors are such that overwhelming evidence exists supporting an immediate threat to the security of the institution or the safety of others; or

(2) The inmate incarcerated person has a substantial disciplinary history consisting of no less than three (3) RHU terms within the past five (5) years and substantial justification for the need for continued RHU placement due to the inmate's incarcerated person's ongoing threat to safety and security of the institution and/or others, and the inmate incarcerated person cannot be housed in less-restrictive housing; or

(3) The inmate incarcerated person is currently serving an Administrative RHU term and continued retention is required because the inmate's incarcerated person's case factors are such that overwhelming evidence exists supporting an immediate threat to the security of the institution or safety of others, or the inmate incarcerated person has a substantial disciplinary history consisting of no less than three (3) RHU terms within the past five (5) years.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933.6, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida, et al.*, (N.D. Cal., No. C94-2847).

Section 3340 is amended to read:

3340. Classification Hearing of Restricted Housing Placements.

(a) The need to retain an inmate incarcerated person in restricted housing shall be determined by the ICC.

(1) The initial ICC hearing shall be held within 10 calendar days after the date the inmate incarcerated person was initially placed in restricted housing. Voluntary extension of this time frame by the inmate incarcerated person is not permitted.

(2) The inmate incarcerated person shall be allowed at least 72 hours to prepare for the ICC classification hearing. However, the inmate incarcerated person may waive this procedural safeguard, after the Administrative Reviewer considers the need for SA and the inmate incarcerated person does not require a SA.

(3) In addition to a copy of the automated Restricted Housing Unit Placement Notice (RHUPN) (11/23), which is incorporated by reference, provided to the inmate incarcerated person at the time of placement in restricted housing in accordance with subsection 3335(c)(3), the inmate incarcerated person shall be provided copies of all additional documentation concerning the reasons for restricted housing placement at least 24 hours prior to the ICC hearing. Confidential information pertaining to the case shall be afforded to the inmate incarcerated person in accordance with subsection 3321(b)(3).

(4) Inmates Incarcerated persons not requiring an SA, in accordance with section 3344, may waive the 24-hour period for documentation review. Waivers shall be formally noted in the automated Classification Committee Chrono (05/19).

(5) Exceptions to the inmate's incarcerated person's physical presence at the hearing shall be permitted in accordance with subsections 3320(g) or 3375(f)(3). The reasons for any hearing conducted without the presence of the inmate incarcerated person shall be recorded within the automated Classification Committee Chrono (05/19).

(6) If the inmate incarcerated person refuses or is unable to attend the hearing, a staff member shall query the inmate incarcerated person on behalf of the ICC and convey all relevant information to the ICC to consider in making their decision, which shall be recorded within the automated Classification Committee Chrono (05/19).

(7) The SA, if one is assigned, shall be at the hearing even if the inmate incarcerated person is not present.

(b) The primary purpose of the initial ICC hearing is to determine the need for continued retention in restricted housing. Consistent with the criteria set forth in section 3335, the ICC review shall be based on the documented case-specific circumstances of the automated RHUPN (11/23) and any other disciplinary, IE report or other available information that may impact placement. The ICC shall ensure that all applicable procedural safeguards are uniformly applied to each inmate incarcerated person placed in restricted housing and record their findings on an automated Classification Committee Chrono (05/19) in accordance with subsection 3375(g), including any evidence or documentation relied upon, with a copy issued to the inmate incarcerated person.

(1) The classification committee shall consider all available information, including inmate incarcerated person comments, when determining the appropriate exercise yard group and any housing restrictions.

(2) The inmate's incarcerated person's yard assignment and housing status shall be reviewed at each ICC appearance and modified as necessary.

(c) Any inmate incarcerated person retained in restricted housing at the initial ICC hearing shall be presented to a CSR within 30 days of the hearing date for review and approval. Subsequent ICC

reviews shall proceed in accordance with the following timelines, considering any applicable projected Restricted Housing Unit Maximum Release Date (RHU MRD), as defined in section 3000, until the ~~inmate~~incarcerated person is released to the GP:

(1) At intervals of not more than 180 days: when a pending Restricted Housing Unit (RHU) assessable Rules Violation Report (RVR) is postponed pending a court proceeding or the District Attorney (DA) decision for possible prosecution of referred cases. Restricted housing extension requests specific to pending disciplinary matters shall identify the ~~inmate's~~incarcerated person's intent to postpone the disciplinary hearing, as well as the status of the pending DA referral. Upon resolution of such matters, an ICC shall review the ~~inmate's~~incarcerated person's case within 14 calendar days. ~~Inmates~~Incarcerated persons who have postponed their RVR pending a court proceeding or a referral to the DA shall not be retained in RHU past the anticipated projected RHU MRD unless ICC has reason to believe, based on the ~~inmate's~~incarcerated person's disciplinary history and other case factors, including the existence of overwhelming evidence supporting an immediate threat to the security of the institution or the safety of others, that referral to the Departmental Review Board (DRB) is necessary for: 1) assessment of Administrative RHU status for the safety and security of the institution or persons, following the adjudication of the RVR; or 2) the ~~inmate's~~incarcerated person's safety needs will require appropriate housing determination. In these cases a new automated RHUPN (11/23) shall be immediately prepared and issued, clearly articulating the reasons for continued retention, in accordance with section 3335.

(2) At intervals of not more than 90 days: when a restricted housing ~~inmate~~incarcerated person is pending a GP transfer.

(3) At intervals of not more than 90 days: until a RHU assessable RVR is adjudicated and the matter is not pending referral for prosecution. Upon resolution of such matters, an ICC shall review the ~~inmate's~~incarcerated person's case within 14 calendar days.

(4) At intervals of not more than 30 days: pending completion of an investigation into the safety of any person. If the complexity of the issues (e.g., safety/enemy concerns, institutional security, serious misconduct or criminal activity) require further investigation, up to a 90-day extension may be requested. Should the completed investigation result in the issuance of an RVR and/or referral to the DA for criminal prosecution, the ICC shall review the case in accordance with the schedule set forth in subsections (1) or (3) above. Upon resolution of such matters, an ICC shall review the ~~inmate's~~incarcerated person's case within 14 calendar days.

(5) At the pre-RHU MRD and at intervals of not more than 90 days: when retention is warranted due to the ~~inmate~~incarcerated person being referred to the DRB for an Administrative RHU term.

(6) At intervals of not more than 90 days: upon receipt of an ~~inmate's~~incarcerated person's request to initiate the Debrief Process, in accordance with CCR section 3378.5.

Subsection 3340(d) remains unchanged.

(e) ~~Inmates~~Incarcerated persons in restricted housing who have an imposed RHU term, but are pending other unresolved case considerations, shall be reviewed by the ICC in accordance with section 3341.

(f) RHU classification decisions, including notification of the reasons for a classification hearing, housing restrictions, and yard assignment shall be documented on the automated Classification Committee Chrono (5/19), with a copy provided to the ~~inmate~~incarcerated person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Wright v. Enomoto*, (1976) 462 F.Supp. 397; and *Toussaint v. McCarthy* (9th Cir. 1986) 801 F.2d 1080, cert. denied, 481 U.S. 1069.

Section 3341 is amended to read:

3341. Imposed Restricted Housing Unit Term Classification Hearings.

(a) Restricted Housing Status Reviews. The Institution Classification Committee (ICC) shall conduct all classification hearings of restricted housing status ~~inmates~~incarcerated persons except as detailed in subsection 3376(d)(5).

(b) ~~Inmates~~Incarcerated persons on Administrative Restricted Housing Unit (RHU) status shall be reviewed by an ICC for release consideration to less-restrictive housing no less frequently than every 180 days. ~~Inmates~~Incarcerated persons who are retained on Administrative RHU status by an ICC shall be referred to the Departmental Review Board (DRB) on an annual basis. The DRB shall conduct an assessment of the ~~inmate's~~incarcerated person's case factors and disciplinary behavior for placement in less-restrictive housing.

Subsections 3341(b)(1) through 3341(b)(2) remain unchanged.

(c) ~~Inmates~~Incarcerated persons on an imposed Determinate RHU term shall be reviewed by the ICC no less frequently than every 180 days following their initial RHU annual review, or sooner as directed by a Classification Staff Representative for release consideration.

(1) The purpose of the review is to evaluate the ~~inmate's~~incarcerated person's case factors to determine if RHU continues to be the most appropriate and least restrictive placement option commensurate with any existing threat to safety and security of the institution and/or others.

Subsection 3341(c)(2) remains unchanged.

(d) Any ~~inmate~~incarcerated person expected to be retained on RHU status beyond 360 days shall be provided an automated Restricted Housing Unit Placement Notice (RHUPN) (11/23), which is incorporated by reference, documenting the RHU annual review, which shall be issued in accordance with section 3342, prior to the ~~inmate's~~incarcerated person's RHU annual review.

(e) An ~~inmate~~incarcerated person shall not be retained in RHU beyond the expiration of an imposed Determinate RHU term or beyond 360 days with an unexpired RHU Maximum Release Date (RHU MRD), unless the ICC has determined that retention in the RHU is required.

(f) A validated Security Threat Group (STG) I ~~inmate~~incarcerated person who is requesting to debrief from their STG shall be considered for release from a RHU as follows:

(1) If serving an Administrative RHU term and DRB did not maintain transfer control, the ~~inmate~~incarcerated person shall be referred to ICC for transfer consideration to the Debrief Processing Unit (DPU) in accordance with section 3378.5.

(2) If serving an Administrative RHU term and DRB maintained transfer control, the ~~inmate~~incarcerated person shall be referred to DRB for transfer consideration to the DPU in accordance with section 3378.5.

(3) If serving an imposed Determinate RHU term, the ~~inmate~~incarcerated person will be retained in RHU. The debrief process will continue and upon resolution of the Determinate RHU term, the

inmate incarcerated person shall be referred to the ICC for transfer consideration to the DPU in accordance with section 3378.5.

Subsection 3341(g) remains unchanged.

(1) If before the Pre-RHU MRD hearing there is any indication the inmate incarcerated person may be retained in restricted housing beyond the RHU MRD for reasons specified in section 3335, the inmate incarcerated person shall be issued an automated RHUPN (11/23) in accordance with section 3342.

(2) If ICC retains the inmate incarcerated person in restricted housing beyond the expiration of the RHU MRD, future classification hearings shall be conducted in accordance with section 3340.

(h) RHU classification decisions, including notification of the reasons for a classification hearing, RHU term assessment, housing restrictions, and yard assignment shall be documented on the automated Classification Committee Chrono (05/19), with a copy provided to the inmate incarcerated person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933.6, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; *Castillo v. Alameida, et al.*, (N.D. Cal., No.C94- 2847); *Coleman v. Wilson* 912 F.Supp. 1282 (E.D. Cal. 1995); and *Clark v. California* 123 F.3d 1267 (9th Cir. 1997).

Section 3342 is amended to read:

3342. Amendment to Reasons for Restricted Housing.

Subsection 3342(a) remains unchanged.

(1) An automated Restricted Housing Unit Placement Notice (11/23), issued for purposes of retaining an inmate incarcerated person in a Restricted Housing Unit shall not require an Administrative Review.

Subsections 3342(a)(2) through 3342(b)(2) remain unchanged.

(3) When necessary, the official issuing the automated Restricted Housing Unit Placement Notice (11/23) for restricted housing retention shall document the need for effective communication accommodation if any, as defined in section 3000, the provision of any assistance provided that is consistent with the inmate's incarcerated person's disability or communication need, and the method staff used to determine the inmate incarcerated person understood.

(c) ICC hearings on automated Restricted Housing Unit Placement Notices (11/23), retaining inmates incarcerated persons in restricted housing shall be in accordance with section 3340.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Taylor v. Rushen* (N.D. Cal.) L-80-0139 SAW.

Section 3343 is amended to read:

3343. Release from Restricted Housing.

(a) Release from restricted housing shall occur at the earliest possible time in keeping with the inmate's incarcerated person's case factors and reasons for the inmate's incarcerated person's placement in restricted housing.

(b) The Institution Classification Committee (ICC) may release an inmate incarcerated person from restricted housing to an available and appropriate bed pending Classification Staff Representative review for alternate placement consideration at another institution. Unless otherwise specified in this section, if the current institution has other available and appropriate nonrestricted housing, the ICC may release the inmate incarcerated person to that program pending review by a Classification & Parole Representative who has local endorsement authority in this circumstance.

(c) Inmates Incarcerated persons released from restricted housing are considered General Population inmates incarcerated persons and are no longer subject to the requirements of this article. If immediate release to the general population is impractical for reasons identified in section 3335, a new automated Restricted Housing Unit Placement Notice (RHUPN) (11/23), which is incorporated by reference, shall be issued and addressed in accordance with sections 3335, 3336 and 3340.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; and *Taylor v. Rushen* (N.D. Cal.) L-80-0139 SAW.

Section 3344 is amended to read:

3344. Assistance to Inmates Incarcerated Persons for Restricted Housing Classification Hearings.

(a) The Administrative Reviewer of the automated Restricted Housing Unit Placement Notice (RHUPN) (11/23), which is incorporated by reference, or official ordering an inmate incarcerated person retained in restricted housing, shall determine the need for providing assistance to inmates incarcerated persons placed or retained in restricted housing. Such assistance may be in the form of a Staff Assistant (SA) or an Investigative Employee (IE). Only staff trained in the role and responsibilities of an SA or IE may be assigned. The duties and functions of a staff member assigned to assist an inmate incarcerated person in a classification hearing based upon an automated RHUPN (11/23) will be separate from those described in section 3318 for a disciplinary hearing.

(b) An SA shall be assigned if:

(1) The inmate incarcerated person is illiterate.

(2) The inmate incarcerated person has difficulty reading, writing or speaking English. If a SA is necessary for the purpose of language interpretation, but is not fluent in the inmate's incarcerated person's language, a certified interpreter shall also be provided.

(3) The issues are sufficiently complex to make it unlikely that the inmate incarcerated person can understand the issues or the ICC hearing process.

(4) The inmate incarcerated person is included in the Mental Health Services Delivery System (MHSDS), is Developmentally Disabled, or the circumstances surrounding restricted housing unit placement involve behavior of a bizarre or unusual nature.

(A) The ICC shall assess the ongoing appropriateness for an SA assigned to inmates incarcerated persons in the MHSDS Correctional Clinical Case Management System (CCCMS) level of care while housed in restricted housing. In such cases, the ICC shall determine whether the inmate incarcerated person is capable of comprehending the issues being presented based upon a clinical assessment in accordance with subsection 3375(g)(3), and presented at the time of the hearing.

(c) An inmate incarcerated person may refuse to accept the first SA at the time of assignment. If the inmate incarcerated person refuses the SA at the time of initial assignment, a second Staff Assistant shall be assigned. Any decision to substitute the assigned SA subsequent to the administrative review shall require notification to the inmate incarcerated person in writing.

(d) Inmates Incarcerated persons may refuse to accept the assignment of a second SA or waive a previous SA assignment unless:

Subsection 3344(d)(1) remains unchanged.

(2) The inmate incarcerated person meets criteria in accordance with subsection (a)(4) of this section.

Subsection 3344(e) remains unchanged.

(1) Meet with the inmate incarcerated person at least 24 hours prior to the classification hearing, inform the inmate incarcerated person of the role of the SA, and explain their rights and the purpose and procedure of the classification hearing.

(2) Address the need for effective communication. The provision of any assistance provided that is consistent with the inmate's incarcerated person's disability or communication need and the method the SA used to determine the inmate incarcerated person understood shall be documented in the automated Classification Committee Chrono (05/19), which is incorporated by reference, in accordance to subsection 3375(g)(1)(E).

(3) Provide assistance to the inmate incarcerated person by being present during the IE's interview of the inmate incarcerated person.

(4) Inform the inmate incarcerated person of the following due process rights afforded during the classification hearing process:

Subsections 3344(e)(4)A. through 3344(e)(4)D. remain unchanged.

(5) Advise and assist in the inmate's incarcerated person's preparation for a classification hearing. However, the SA shall refrain from giving legal counsel or specifying the position the inmate incarcerated person should take in the classification hearing.

(6) Keep confidential any information the inmate incarcerated person may disclose concerning the charges for which the SA was assigned.

(7) Inform the inmate incarcerated person that all evidence and information obtained and considered or developed in the classification process may be used in court if the same charges have been or are to be referred to the district attorney for possible criminal prosecution.

(8) If the SA becomes aware that the inmate incarcerated person is contemplating future criminal conduct, the SA shall disclose this information if necessary to protect potential victims and prevent the contemplated crime.

(9) Assist the inmate incarcerated person in presenting the inmate's incarcerated person's position, in person, at the hearing.

(10) Make reasonable effort to ensure that the inmate's incarcerated person's position is understood.

(11) Make reasonable effort to ensure the inmate incarcerated person understands and comprehends the decision reached.

(12) Perform the above duties for ~~inmates~~ incarcerated persons in conjunction with all classification reviews.

(f) The SA assigned and assisting the ~~inmate~~ incarcerated person in the manner described above shall be the same staff member who appears with the ~~inmate~~ incarcerated person at the classification hearing.

Subsections 3344(g) through 3344(h) remain unchanged.

(1) The reasoning for an ~~inmate's~~ incarcerated person's placement in restricted housing is for non-disciplinary reasons and the ~~inmate~~ incarcerated person requests in writing the presence of witnesses or submission of documentary evidence at a classification hearing on the reason or need for retention in restricted housing.

(A) When an ~~inmate's~~ incarcerated person's restricted housing placement is for non-disciplinary reasons, the Administrative Reviewer will consider all available evidence or information relating to the validity of the reasons documented for restricted housing placement. Denial of an IE, witnesses or evidence requested by the ~~inmate~~ incarcerated person shall be on the basis of legitimate penological interest and documented on the automated (RHUPN) (11/23).

(B) When the reason for an ~~inmate's~~ incarcerated person's placement in restricted housing is a serious disciplinary matter resulting in the issuance of a Rules Violation Report and/or a referral to the district attorney for criminal prosecution, the classification committee will assume the alleged misconduct or criminal activity to be factual as documented. In such cases, the services of an IE, witnesses or additional evidence shall be reserved for the disciplinary hearing, but denied for purposes of the initial ICC.

(i) Based upon the findings of the Investigative Employee, the initial hearing shall permit the ~~inmate~~ incarcerated person to present witnesses and documentary evidence unless the chairperson of the committee determines in good faith that permitting such evidence will be unduly hazardous to the safety and/or security of the institution.

Subsection 3344(j) remains unchanged.

(k) The ~~inmate~~ incarcerated person may not select the Investigative Employee, but may object to the one assigned and provide, in writing to the Administrative Reviewer, the reasons for the objection. The Administrative Reviewer shall evaluate the ~~inmate's~~ incarcerated person's objection(s) and, if determined to be reasonable, assign an alternate Investigative Employee to complete the investigation. If the Administrative Reviewer determines that the ~~inmate's~~ incarcerated person's objections are not reasonable, the original Investigative Employee shall complete the investigation. The ~~inmate's~~ incarcerated person's objection must be provided prior to the beginning of the investigation. The Administrative Reviewer shall note on the automated RHUPN (11/23) the decision to deny or approve a request, and if denied, explain the reason(s) for denial.

Subsection 3344(l) remains unchanged.

(1) If applicable, coordinate with the ~~inmate's~~ incarcerated person's assigned SA to ensure the SA is present during any questioning by the IE.

(2) Document all effective communication efforts, as necessary; including the assistance provided consistent with the ~~inmate's~~ incarcerated person's disability or communication need, and the method the SA used to determine the ~~inmate~~ incarcerated person understood.

(3) Interview the inmate incarcerated person, to include the inmate's incarcerated person's statement and any relevant questions for witnesses with first-hand knowledge of the circumstances warranting the inmate's incarcerated person's restricted housing. An IE is not subject to the confidentiality provisions of the SA in accordance with subsection 3344(e)(6) and shall not withhold any information received from the inmate incarcerated person. The inmate's incarcerated person's submission of questions for witnesses does not preclude the IE from asking other relevant questions of the witnesses that may be of assistance to the classification committee in making decisions regarding the reason(s) for restricted housing placement.

(4) It is the inmate's incarcerated person's responsibility to provide information to the IE in order to assist in identifying any relevant witness(es) the inmate incarcerated person requests to be interviewed.

(5) Immediately document the investigative findings in a report, including the name of the SA and, if applicable, an interpreter present during interviews; and forward the completed report to the ICC.

(6) Provide the inmate incarcerated person a copy of the IE report, and any non-confidential reports and information relevant to the restricted housing decision and/or restricted housing placement, within 24 hours prior to the ICC.

Subsection 3344(D)(7) remains unchanged.

(8) When an IE provides assistance to an inmate incarcerated person in lieu of or in addition to that provided by an SA, the IE shall do so as a representative of the official who will conduct the classification hearing rather than as a representative of the inmate incarcerated person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Coleman v. Wilson* 912 F. Supp. 1282 (E.D. Cal. 1995); and *Clark v. California* 123 F. 3d 1267 (9th Cir. 1997).

Section 3345 is amended to read:

3345. Restricted Housing Unit Programming Credit.

(a) Restricted Housing Unit Programming Credit (RHUPC) may be awarded to reduce time spent in restricted housing through a rehabilitative programming reward system. The RHUPC applies to inmates incarcerated persons with projected, imposed or re-imposed active Determinate Restricted Housing Unit (RHU) terms.

(b) For every twenty (20) hours of completed rehabilitative programming, restricted housing inmates incarcerated persons may receive five (5) days credit off their Restricted Housing Unit Maximum Release Date (RHU MRD), not to exceed 25% of the set term.

Subsection 3345(b)(1) remains unchanged.

(2) No RHUPC program hours shall be counted towards credits in other programs that were established to advance an inmate's incarcerated person's court-sentenced release date (e.g., Rehabilitative Achievement Credit, Milestone Completion Credit), except in accordance with subsection 3043.3(f)(2).

(c) The award of RHUPC requires successful participation in, and completion of, rehabilitative programs including mental health group treatment, therapeutic programs, and social life skills programs. To be awarded credit, the inmate incarcerated person shall participate in all required

program activities for the duration of the program, including any subcomponents required in the curriculum for that program. Passing an exam alone shall not qualify for the award of RHUPC credit.

Subsection 3345(d) remains unchanged.

(e) RHUPC for completed hours in the information technology system shall be applied to the inmate's incarcerated person's RHU MRD at the next scheduled Institution Classification Committee, as detailed in subsections 3340(c) and 3341(b), (c) and (g).

Subsection 3345(e)(1) remains unchanged.

(2) If the inmate incarcerated person has more than one established projected or imposed RHU term, the RHUPC shall be applied to the controlling projected or imposed RHU MRD.

(A) If the credit was applied on a projected, imposed or re-imposed RHU MRD and the inmate incarcerated person subsequently receives an additional Rules Violation Report (RVR) for a violation listed on the RHU term matrix, those credits will not be reapplied to the new projected, imposed or re-imposed RHU MRD.

Subsection 3345(e)(2)(B) through 3345(e)(3) remain unchanged.

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

Section 3346 is amended to read:

3346. Re-Imposed Restricted Housing Unit Terms.

(a) A suspended Restricted Housing Unit (RHU) term may be re-imposed if an inmate incarcerated person is placed in restricted housing immediately following a Rules Violation Report (RVR) for serious misconduct that occurred prior to the expiration of a previously established Restricted Housing Unit Maximum Release Date (RHU MRD). In this circumstance, the inmate incarcerated person must be found guilty of the serious misconduct and the Institution Classification Committee (ICC) shall determine that the inmate incarcerated person poses a threat to the safety of any person or to the security of the institution. RHU terms re-imposed based on subsequent serious misconduct shall be effective the date of the misconduct. RHU terms suspended based solely on the need for inpatient medical or mental health treatment may be re-imposed without subsequent misconduct if the inmate incarcerated person continues to pose a threat to the safety of others or the security of the institution.

Subsections 3346(a)(1) through 3346(a)(2) remain unchanged.

(b) If an inmate incarcerated person paroled with an active Determinate RHU term and subsequently returns to CDCR custody under the same CDCR number, ICC shall evaluate the Determinate RHU term for re-imposition. Re-imposed Determinate RHU terms shall be calculated utilizing the automated RHU Term Computation (Rev. 11/23), which is incorporated by reference. Any unexpired RHU term shall be recalculated and addressed by ICC. If multiple CSR-approved RHU terms are eligible for re-imposition, the RHU term with the most distant RHU MRD need only be addressed. In this circumstance, any remaining RHU terms with unexpired RHU MRD's shall be considered re-imposed. ICC retains the authority to impose or suspend any remaining time based upon the safety of persons or security of the institution.

Subsections 3346(b)(1) through 3346(b)(3) remain unchanged.

(c) An ~~inmate~~incarcerated person who paroles with an active Administrative RHU term and subsequently returns to CDCR custody under the same or a new CDCR number shall be addressed as follows:

(1) An ~~inmate~~incarcerated person who previously paroled with MAX custody and is returned to CDCR's custody shall be placed in RHU and afforded all procedural safeguards for restricted housing ~~inmates~~ incarcerated persons. ICC shall determine if the criteria for placement on Administrative RHU status in accordance with section 3339 are met, and if so, then the ~~inmate~~ incarcerated person shall be referred to the DRB.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 314, 2933.6, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926

Section 3347 is amended to read:

3347. Case Review.

(a) The case of every ~~inmate~~incarcerated person assigned to a restricted housing unit will be continuously reviewed and evaluated by custodial and casework staff assigned to the unit. Staff will confer on each case no less frequently than once a week during the first two months of the ~~inmate's~~incarcerated person's restricted housing status. Such case reviews will not be necessary during any week in which the ~~inmate's~~incarcerated person's case is reviewed by a regular or special classification committee or by staff who are authorized to take classification actions. Any significant observations, determinations or recommendations will be documented on the ~~inmate's~~incarcerated person's automated Restricted Housing Record (Rev. 11/23), which is incorporated by reference.

(b) Psychological Assessment. A psychological assessment of the ~~inmate's~~incarcerated person's mental health will be included in the case review and classification committee review of ~~inmates~~incarcerated persons assigned to restricted housing units. When any indication of psychiatric or psychological problems exists, the case will be referred to the institution's psychiatrist or psychologist for further evaluation and recommended classification committee actions, if any.

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

Section 3348 is amended to read:

3348. Conditions of Restricted Housing.

Subsections 3348(a) through 3348(b) remain unchanged.

(c) Restrictions. Whenever an ~~inmate~~incarcerated person in RHU is deprived of any usually authorized item or activity and the action and reason for that action is not otherwise documented and available for review by administrative and other concerned staff, a report of the action will be made and forwarded to the unit administrator as soon as possible.

(d) Clothing. No ~~inmate~~incarcerated person in RHU shall be required to wear clothing that significantly differs from that worn by other ~~inmates~~incarcerated persons in the unit, except that temporary adjustments may be made in an ~~inmate's~~incarcerated person's clothing as is necessary for security reasons or to protect the ~~inmate~~incarcerated person from self-inflicted harm. No

~~inmate~~incarcerated person shall be clothed in any manner intended to degrade the ~~inmate~~incarcerated person.

(e) Meals. ~~Inmates~~Incarcerated persons assigned to RHU, shall be fed the same meal and ration as is provided for ~~inmates~~incarcerated persons of the general population, except that a sandwich meal may be served for lunch. Deprivation of food will not be used as punishment.

(f) Mail. ~~Inmates~~Incarcerated persons assigned to RHU, shall not be restricted in their sending and receiving of personal mail, except that incoming packages may be limited in number, and in content to that property permitted in the RHU to which an ~~inmate~~incarcerated person is assigned.

(g) Visits. ~~Inmates~~Incarcerated persons assigned to RHU shall be permitted non contact visits, unless otherwise specified in section 3170.1(f), General Visiting.

(h) Personal Cleanliness. ~~Inmate's~~Incarcerated person's assigned to RHU, shall be provided the means to keep themselves clean and well-groomed. Haircuts will be provided as needed. Showering and shaving shall be permitted at least three times a week. Clothing, bedding, linen and other laundry items shall be issued and exchanged no less often than is provided for general population ~~inmates~~incarcerated persons.

(i) Out of Cell Time. ~~Inmates~~Incarcerated persons assigned to RHU shall be offered a minimum of 20 hours of out of cell time per week, unless security and safety considerations preclude such activity. Exercise periods shall be offered a minimum of three days per week for a total of not less than 10 hours a week. The remaining 10 hours may be comprised of a combination of additional exercise periods, individual or group programs, and rehabilitative programs.

(j) Reading Material. ~~Inmates~~Incarcerated persons assigned to RHU, shall be permitted to obtain and possess the same publications, books, magazines and newspapers as are ~~inmates~~incarcerated persons of the general population, except the quantity may be limited for safety and security reasons. Library services shall be provided and will represent a cross-section of material available to the general population.

(k) Telephones. Institutions shall establish procedures for the making of outside telephone calls by ~~inmates~~incarcerated persons in RHU. Such procedures will approximate those for the work/training incentive group to which the ~~inmate~~incarcerated person is assigned.

(l) Institution Programs and Services. ~~Inmates~~Incarcerated persons assigned to RHU shall be permitted to participate and have access to such programs and services as can be reasonably provided within the unit without endangering security or the safety of persons. Such programs and services may include, but are not limited to: education, commissary, library services, social services, counseling, religious guidance and recreation.

(m) Visitation and Inspection. ~~Inmates~~Incarcerated persons assigned to RHU shall be seen daily by the custodial supervisor in charge of the unit and by a physician, registered nurse or medical technical assistant, and, by request, members of the program staff. A timely response should be given to such requests whenever reasonably possible. Any indication of medical or mental health distress, shall be immediately referred for further evaluation.

(n) Disruptive Cases. ~~Inmates~~Incarcerated persons assigned to RHU who persist in disruptive, destructive, or dangerous behavior and who will not heed or respond to orders and warnings to desist shall be referred for a mental health evaluation.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(d) and 5054, Penal Code.

Section 3349 is amended to read:

3349. Restricted Housing Records.

(a) A CDCR Form 114, Isolation Log (rev: ~~3/03~~07/24), shall be maintained in each Restricted Housing Unit. One Isolation Log may serve two or more special purpose units which are administered and supervised by the same staff members.

(b) A separate record shall be maintained for each inmate incarcerated person assigned to RHU. This record shall be compiled on an automated Restricted Housing Record (Rev. 11/23), which is incorporated by reference, and shall include all required identifying information. Additionally, all significant information relating to the inmate incarcerated person during the course of restricted housing from reception to release, including, but not limited to, documentation of all programs, activities, and services afforded the inmate incarcerated person while on restricted housing status, and all notes regarding any significant staff observations, determinations or recommendations regarding unusual behavior displayed by the inmate incarcerated person during this period, shall be entered in chronological order.

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

Article 8. Medical and Dental Services

Section 3359.1 is amended to read:

3359.1. Medical Parole General Policy.

(a) Pursuant to Penal Code section 3550, an inmate incarcerated person who is found to be permanently medically incapacitated, as defined in (a)(1) below, with a medical condition that renders ~~him or her~~ them permanently unable to perform the activities of daily living and results in the inmate incarcerated person requiring 24-hour care, shall be referred to the Board of Parole Hearings, within 30 working days of the Chief Medical Officer or Chief Medical Executive determination, if all of the following conditions exist:

(1) The inmate incarcerated person is permanently medically incapacitated with a medical condition that renders ~~him or her~~ them permanently unable to perform activities of basic daily living and results in the inmate incarcerated person requiring 24-hour care. Activities of basic daily living are breathing, eating, bathing, dressing, transferring, elimination, arm use, or physical ambulation.

(2) The medical/physical limitations documented in subsection (a)(1) above did not exist at the time the inmate incarcerated person was sentenced to the current incarceration.

(3) The inmate incarcerated person is not serving a life sentence without the possibility of parole.

(4) The inmate incarcerated person is not sentenced to death.

(b) A request for an inmate incarcerated person to be considered for medical parole may be initiated by any of the following:

(1) The inmate's incarcerated person's primary care physician.

(2) The inmate's incarcerated person's immediate family member, as defined in section 3000.

(3) An attorney or other individual appropriately authorized to initiate such actions on behalf of the inmate incarcerated person.

(4) The inmate incarcerated person.

(c) Requests from individuals described in subsection (b)(2)-(4) above shall not be considered if the inmate's incarcerated person's primary care physician has previously reviewed an inmate's incarcerated person's eligibility for medical parole within the last 90 days.

(d) The inmate incarcerated person shall be granted medical parole if the Board of Parole Hearings determines the conditions under which the inmate incarcerated person would be released would not reasonably pose a threat to public safety.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3550 and 5054, Penal Code.

Section 3359.2 is amended to read:

3359.2. Medical Parole Processing.

(a) The inmate's incarcerated person's primary care physician shall refer the inmate incarcerated person for medical parole to the Chief Medical Officer (CMO) or Chief Medical Executive (CME) of the institution where the inmate incarcerated person is housed, utilizing the CDCR Form 7478 (12/1007/24), Medical Parole Form, which is incorporated by reference, along with any other documentation the inmate's incarcerated person's primary care physician or designee considers useful in determining the inmate's incarcerated person's eligibility for medical parole. The inmate's incarcerated person's primary care physician or designee shall also ensure the CDCR Form 7385-MP (03/11), Medical Parole Authorization for Release of Information, which is incorporated by reference, is completed and signed by the inmate incarcerated person or inmate's incarcerated person's designee.

(b) The CMO or CME shall review the CDCR Form 7478 and any other documentation submitted by the inmate's incarcerated person's primary care physician, and make a determination as to the inmate's incarcerated person's eligibility for medical parole based on the inmate's incarcerated person's medical case factors as described in subsections 3359.1(a)(1)-(2).

(1) If the CMO or CME does not concur with the primary care physician's recommendation, ~~he or she~~ they shall note on the CDCR Form 7478 the reason for the denial, and will sign and return the CDCR Form 7478 to the primary care physician, within three working days. The CMO or CME, or designee, shall notify the inmate incarcerated person and/or the inmate's incarcerated person's designee of the reason for denial in writing within 30 working days.

Subsection 3359.2(b)(2) remains unchanged.

(c) Upon receipt of the CDCR Form 7478, the C&PR shall review the inmate's incarcerated person's Central File to determine the inmate's incarcerated person's statutory eligibility for medical parole as described in subsections 3359.1(a)(3)-(4).

(1) If the inmate incarcerated person does not meet the statutory requirements, the C&PR shall note the reason for denial on the CDCR Form 7478 and shall sign and return the form to the CMO or CME within three working days. The CMO or CME, or designee, shall notify the inmate incarcerated person and/or the inmate's incarcerated person's designee of the reason for denial in writing within 30 working days.

(2) If the inmate incarcerated person meets the statutory requirements, the C&PR shall complete and sign the CDCR Form 7478 and return the form to the CMO or CME, and attach the information outlined in subsections 3359.2 (d)(10)-(15), within three working days, and shall request that the inmate's incarcerated person's caseworker prepare an evaluation report.

(d) The inmate's incarcerated person's caseworker shall complete the evaluation report and submit it to the C&PR within five working days, including the following information and attachments:

(1) Inmate's Incarcerated person's name and CDCR number.

Subsections 3359.2(d)(2) through 3359.2(d)(5) remain unchanged.

(6) Institutional adjustment including, rule violation reports, counseling chronos, pending disciplinary actions, gang/disruptive group information, placement score, current housing assignment, work/education assignments, participation in self-help activities, and other information deemed pertinent to the inmate's incarcerated person's case factors.

Subsections 3359.2(d)(7) through 3359.2(d)(9) remain unchanged.

(10) Abstract of Judgment for the inmate's incarcerated person's current commitment offense.

(11) Probation Officer's Report for the inmate's incarcerated person's current commitment offense.

Subsections 3359.2(d)(12) through 3359.2(d)(14) remain unchanged.

(15) Most recent CDC Form 128-G (Rev. 10/89), Classification Chrono, with the inmate's incarcerated person's full case factors.

Subsections 3359.2(e) through 3359.2(f) remain unchanged.

(g) Upon receipt of the original CDCR Form 7478 as noted in subsection 3359.2(c)(2), and the information outlined in subsections 3359.2(d)(10)-(15), the CMO or CME shall forward the documents, along with the completed CDCR Form 7385-MP to the designated California Prison Health Care Services office, who shall identify suitable placement for the inmate incarcerated person, document the placement plan information on the CDCR Form 7478, and forward all the documents referenced in this subsection to the appropriate Division of Adult Parole Operations (DAPO) Re-entry Unit, within eight working days.

(h) DAPO Re-Entry Unit staff shall forward the CDCR Form 7478, CDCR Form 7385-MP, and attachments to the appropriate parole unit, where the assigned parole agent shall review the recommended placement plan. Within eight working days, the parole agent shall document his/her their assessment of the placement plan on the CDCR Form 7478 and forward a copy to the designated California Prison Health Care Services staff, along with a copy of the CDCR Form 1515-MP (02/11), Conditions of Medical Parole, which is incorporated by reference, noting approval or disapproval of the proposed placement and any conditions of medical parole. The assigned parole agent shall also forward the original CDCR Form 7478, CDCR Form 7385-MP, and CDCR Form 1515-MP to the Classification Services Unit.

Subsections 3359.2(h)(1) through 3359.2(i) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3550 and 5054, Penal Code.

Section 3359.3 is amended to read:

3359.3. Pre-Release Process.

(a) Upon the Board of Parole Hearings' approval of medical parole, the Classification and Parole Representative (C&PR) shall be notified to ensure a medical parole packet is processed, and required Penal Code (PC) notifications are completed. The C&PR shall forward the packet to the parole unit that will supervise the ~~medical parolee~~ incarcerated person placed pursuant to PC section 3550, within five working days.

(b) If the ~~inmate~~ incarcerated person is already housed in the community, the parole agent of record shall collaborate with the institution to complete parole release documents.

Subsection 3359.3(c) remains unchanged.

(d) The ~~inmate's~~ incarcerated person's Central File shall be forwarded to the institution designated by the Director, Division of Adult Institutions, with oversight of the ~~medical parolee~~ incarcerated person placed pursuant to PC section 3550.

(e) Release allowances, as defined in subsection 3075.2(d), will not be issued to ~~inmates~~ incarcerated persons on medical parole until the ~~inmate~~ incarcerated person transitions to parole pursuant to PC Section 3000.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3550 and 5054, Penal Code.

Section 3359.4 is amended to read:

3359.4. Classification, Case Records, and Life Incarcerated Person~~Prisoner~~ Processes.

Subsection 3359.4(a) remains unchanged.

(b) ~~Inmates~~ Incarcerated persons sentenced to an indeterminate prison term shall continue to have life parole consideration hearings. The institution designated by the Director, Division of Adult Institutions will be responsible for processes related to life ~~prisoner~~ incarcerated person parole consideration hearings.

(c) Case Records functions of ~~inmates~~ incarcerated persons on medical parole shall be managed by an institution designated by the Director, Division of Adult Institutions.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3550 and 5054, Penal Code.

Section 3359.5 is amended to read:

3359.5. Medical Parole Supervision.

(a) Pursuant to the provisions of section 3504, the assigned parole agent shall conduct a face to face contact with the ~~inmate~~ incarcerated person at the placement location and conduct an initial interview, if possible, to include the following:

Subsections 3359.5(a)(1) through 3359.5(a)(2) remain unchanged.

(b) ~~Inmates~~ Incarcerated persons released on medical parole shall have general and/or special conditions of medical parole documented on the CDCR Form 1515-MP (02/11), Conditions of Medical Parole. These conditions shall remain in effect from the date of release to medical parole until transition to parole pursuant to Penal Code section 3000.

(1) In the event the ~~medical parolee~~ incarcerated person placed pursuant to Penal Code section 3550 does not comprehend, or is otherwise not capable of signing the CDCR Form 1515-MP, the conditions of medical parole will be imposed.

(2) In the event the ~~inmate~~incarcerated person refuses to sign the conditions of medical parole, the case will be referred to the Board of Parole Hearings.

(3) ~~Inmates~~Incarcerated persons released to medical parole, who are required to register pursuant to Penal Code section 290, are not required to submit to continuous electronic monitoring, pursuant to Penal Code section 3010, until the ~~medical parolee~~ incarcerated person placed pursuant to Penal Code section 3550 commences serving the period of parole provided by, and under the provisions of, Penal Code section 3000. However, electronic monitoring may be added as a condition of medical parole, pursuant to Penal Code section 3550(h).

(4) When a special condition of medical parole is imposed by the Division of Adult Parole Operations and no longer applies to the ~~medical parolee~~ incarcerated person placed pursuant to Penal Code section 3550, a parole unit supervisor or higher-level staff person may remove or modify the special condition of medical parole.

Subsection 3359.5(b)(5) remains unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3550 and 5054, Penal Code.

Section 3359.6 is amended to read:

3359.6. Removal from Medical Parole.

(a) The ~~inmate's~~incarcerated person's treating physician, any other physician selected by the Board of Parole Hearings (BPH), or the parole agent may make a recommendation to BPH to return an ~~medical parolee~~ incarcerated person placed pursuant to Penal Code section 3550 to the custody of the Division of Adult Institutions (DAI) under the following circumstances:

(1) The ~~inmate's~~incarcerated person's treating physician or physician selected by BPH has conducted a medical examination of the ~~medical parolee~~ incarcerated person placed pursuant to Penal Code section 3550 and has made a determination that ~~his or her~~ their condition has improved to the extent that the ~~medical parolee~~ incarcerated person no longer qualifies for medical parole.

(2) The parole agent has made a determination that the ~~medical parolee~~ incarcerated person placed pursuant to Penal Code section 3550 is a threat to ~~himself or herself~~ themselves, another person, or to public safety, or there has been a significant change in ~~his or her~~ their conditions of release.

(b) The parole agent shall contact the Director, Division of Adult Parole Operations, or designee, and request that the ~~medical parolee~~ incarcerated person placed pursuant to Penal Code section 3550 be placed on suspended medical parole status, pending review by BPH to return the ~~medical parolee~~ incarcerated person to the custody of DAI or placement at an alternative location.

Subsection 3359.6(c) remains unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3550 and 5054, Penal Code.

Article 9. Mental Health Services

Section 3363 is amended to read:

3363. Right to Refuse Treatment.

~~Inmates/Parolees~~Incarcerated/supervised persons shall be informed any time they are the object of particular mental health diagnosis or treatment procedure. Such persons shall have the right to refuse assignment to such a program of diagnosis or treatment without being subject to discipline or other deprivation, except as indicated in the following:

- (a) When mental health evaluation is required by law or ordered by a court.
- (b) When an ~~inmate~~incarcerated person is placed in a mental health program for diagnostic study by the action of a classification committee, which acted upon documented information or observations that gave reasonable cause to believe the ~~inmate~~incarcerated person was suffering from a mental illness which poses a danger to self or others, or is gravely disabled. A physician or other licensed practitioner may act in an emergency situation to place an ~~inmate~~incarcerated person in psychiatric segregation under observation and treatment for a period of up to five working days pending classification action, providing the reasons for this action are documented.
- (c) When diagnostic study has led to a diagnosis of existing or recurrent mental illness which renders the ~~inmate~~incarcerated person dangerous to self or others, or gravely disabled.
- (d) If there is a special condition of parole requiring attendance at a parole outpatient clinic, interviews may be imposed upon the ~~parolees~~supervised person. However, no medication will be administered by these clinics without the specific informed consent of the patient.

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

Section 3365 is amended to read:

3365. Suicide Prevention and Response.

- (a) Each institution head shall ensure that all employees whose assignments routinely involve ~~inmate~~incarcerated person contact are trained to recognize signs and symptoms associated with suicide risk, the appropriate procedures for staff intervention, and the appropriate procedures to be followed in response to emergency situations resulting from self-injurious or suicidal actions. This training shall be conducted as in-service training, in compliance with Section 3435.
- (b) Each institution head shall implement a Suicide Prevention Program for ~~inmates~~incarcerated persons who display self-injurious or suicidal behavior or symptoms. These programs shall include the following components:
 - (1) Suicide Watch. When medical staff determine that an ~~inmate~~incarcerated person is actively suicidal, a licensed physician or psychologist shall order placement of the ~~inmate~~incarcerated person on suicide watch in a General Acute Care Hospital (GACH), Correctional Treatment Center (CTC), Skilled Nursing Facility (SNF), Outpatient Housing Unit (OHU), or other appropriate health care facility, for continual observation.
 - (2) Suicide Precaution. When medical staff determine that an ~~inmate~~incarcerated person is at high risk of attempting self-injurious behavior, a licensed physician or psychologist shall order placement of the ~~inmate~~incarcerated person on suicide precaution in a GACH, CTC, SNF, OHU, or other appropriate health care facility, for periodic monitoring.

(3) Follow-up Treatment. Discharge from suicide watch or suicide precaution shall occur when an interdisciplinary team of clinicians determines that the ~~inmate~~incarcerated person no longer presents a suicide risk. A written treatment plan and follow-up outpatient treatment shall be provided by a mental health clinician.

Subsection 3365(c) remains unchanged.

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

Article 9.5. Case Records

Section 3370 is amended to read:

3370. Case Records File and Unit Health Records Material--Access and Release.

(a) Unit health records means a patient's health record that includes all records of care and treatment rendered to ~~an inmate~~-a patient.

(b) Except by means of a valid authorization, subpoena, or court order, no ~~inmate~~or parolee~~incarcerated or supervised person~~ shall have access to another's case records file, unit health records, or component thereof.

(c) ~~Inmates~~Incarcerated or ~~parolees~~supervised persons may review their own case records file and unit health records, subject to applicable federal and state law. This review shall be conducted in the presence of staff, and may necessitate the use of a computer.

(d) No ~~inmate~~incarcerated or ~~parolee~~supervised person shall access information designated confidential pursuant to section 3321 which is in or from their own case records file.

Subsection 3370(e) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2081.5, 5054 and 6126.5, Penal Code; Sections 56.10, 1798.24 and 1798.40, Civil Code; and Code of Federal Regulations, Title 45, Sections 164.512 and 164.524.

Section 3370.5 is amended to read:

3370.5. Detainers.

(a) When a detainer is received by the department, the ~~inmate~~incarcerated person shall be provided a copy of the detainer and written notification concerning any options available to the ~~inmate~~incarcerated person.

(b) An ~~inmate~~incarcerated person may request resolution of a detainer case by completing the indicated form below and forwarding it to the case records office where the necessary documents shall be prepared for the ~~inmate's~~incarcerated person's signature and mailing.

(1) CDC Form 643 (Rev. 4/88), ~~inmate~~incarcerated person Notice and Demand for Trial to District Attorney, shall be completed to request disposition of untried charges in California.

Subsection 3370.5(b)(2) remains unchanged.

(c) If an ~~inmate~~incarcerated person is not brought to trial within 90 days after the district attorney acknowledged receipt of CDC Form 643, case records staff shall complete and file with the court having jurisdiction of the matter the motion and order to request dismissal of the matter.

(d) When a district attorney requests custody of an inmate incarcerated person pursuant to PC section 1389 the inmate incarcerated person shall be provided a copy of the explanation of rights under Article IV of the Interstate Agreement on Detainers.

(e) When a request is received for an inmate incarcerated person to appear for sentencing on an out-of-state or federal conviction, the inmate incarcerated person shall be provided notification of their rights with CDCR Form 1673 (Rev. 12/8607/24), Agreement on Detainer - Right to Request Sentencing. An inmate's incarcerated person's demand for sentencing in absentia shall be executed on CDCR Form 1674 (Rev. 12/8607/24), Agreement on Detainer - Notice of Place of Imprisonment.

(f) Each out-of-state agency which has filed a detainer against an inmate incarcerated person shall be notified no later than 60 days before the inmate's incarcerated person's pending parole or discharge. Each in-state agency which has filed a detainer against an inmate incarcerated person shall be notified no later than 10 days before the inmate's incarcerated person's pending parole or discharge.

(g) The inmate incarcerated person shall be released to the agency which first placed a detainer, unless a later detainer is based upon an adjudicated prison sentence in which case the inmate incarcerated person shall be offered to the agency holding the prison sentence detainer. In either case, the other agencies shall be notified which agency assumed custody of the inmate incarcerated person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.2a, 1381, 1389 and 5054, Penal Code; *In re Stoliker* (1957) 49 Cal. 2nd 75; and *Tinghitella v. California* (9th Cir. 1983) 718 F.2d 308.

Section 3371.1 is amended to read:

3371.1. Computation of Term and Credit.

(a) Terms of incarceration, credit, and release dates shall be analyzed, processed, and calculated by case records staff based upon information provided by the court, custody staff, and program staff. All documents received from the court shall be reviewed by case records staff and if any apparent sentencing discrepancies are found, case records staff shall refer them to the court for resolution. No more than 30 days after case records staff complete the computation of a term or credit, case records staff shall send notification to the affected inmate incarcerated person of ~~his or her~~ their release date and any subsequent change to ~~his or her~~ their release date.

Subsection 3371.1(b) remains unchanged.

(1) The length of an inmate's incarcerated person's term is governed by the laws applicable on the date the inmate's incarcerated person's crime is committed.

(2) The credit to be applied to an inmate's incarcerated person's term is governed by Section 32 of Article 1 of the California Constitution, and the regulations promulgated pursuant there to.

Subsections 3371.1(c) through 3371.1(c)(1) remain unchanged.

(A) Pre-Sentence Credit. Pre-sentence credit is the credit granted by the sentencing court for time served up to and including the sentencing date pursuant to sections 2900.1, 2900.5, 2933.1, and 4019 of the Penal Code. Any credit granted by the sentencing court for time served after the date

the inmate incarcerated person is received into the jurisdiction of the department shall not be applied but instead shall be awarded by the department pursuant to this chapter.

(B) Post-Sentence Credit. Post-sentence credit is the credit awarded by the department for actual days served in county jail between the date of the inmate's incarcerated person's sentencing and the date the inmate incarcerated person is received into the jurisdiction of the department.

(C) Vested credit. Vested credit is the Good Conduct Credit awarded by the department pursuant to section 3043.2 of this title based on the number of actual days served in county jail between the date of the inmate's incarcerated person's sentencing and the date the inmate incarcerated person is received into the jurisdiction of the department. Vested credit shall not be forfeited.

(2) Dead time. Dead time is the length of time an inmate incarcerated person is out of custody due to being at-large while on escape status, at-large while absconded on parole, released on bail, released on own recognizance, released on bond pending appeal, or prematurely released. Dead time shall not be included in any determination of credit.

Subsection 3371.1(c)(3) remains unchanged.

(A) Earliest Possible Release Date. The Earliest Possible Release Date is the earliest date an inmate incarcerated person serving a determinate term may be released from one single or aggregated term. The Earliest Possible Release Date is a fluid date as credit may be earned and forfeited throughout the inmate's incarcerated person's incarceration.

(B) Maximum Release Date. The maximum release date is the date an inmate incarcerated person shall be released from one single or aggregate term if they serve the full-term imposed by a court of law, taking into consideration the (1) pre-sentence credit; (2) post-sentence credit; (3) vested credit; (4) administrative credit; and (5) dead time. Each aggregate term or fully consecutive term of incarceration will have its own Maximum Release Date.

Subsections 3371.1(c)(4) through 3371.1(c)(4)(B)5. remains unchanged.

(C) A fully consecutive term of incarceration begins when the inmate incarcerated person would have otherwise been released from prison.

(d) Administrative Credit. Credit shall be applied administratively to an inmates incarcerated persons term, if not awarded by the sentencing court, pursuant to Penal Code sections 2900.1 and 2931, as well as the following:

(1) A commitment received on or after September 15, 1965, where the inmate incarcerated person served time for diagnostic observation pursuant to section 1203.03 of the Penal Code;

Subsections 3371.1(d)(2) through 3371.1(e) remain unchanged.

(1) Notwithstanding subsection 3043(c) of this division, if the application of pre-sentence credit, post-sentence credit, vested credit, and administrative credit results in a determination that the inmate's incarcerated person's sentence was served in full prior to their arrival in prison, ~~he or she~~ they shall be released no later than ten business days after their arrival in prison.

(2) Notwithstanding subsection 3043(c) of this division, if an abstract of judgment, amended abstract of judgment, or other court order is received for an inmate incarcerated person who has been incarcerated by the department for at least five business days and it is determined that the inmate incarcerated person is immediately eligible for release or eligible for release within the

following five business days, ~~he or she~~they shall be released no later than five business days after receipt of the abstract of judgment, amended abstract of judgment, or court order.

(3) Notwithstanding subsection 3043(c) of this division, if notification is received from the Board of Parole Hearings to release an inmate incarcerated person granted parole pursuant to sections 3041 or 3051 of the Penal Code or section 3055 of the Penal Code beginning January 1, 2018, ~~he or she~~they shall be released no later than five business days after receipt of the notification.

(f) What Constitutes a “Day.”

(1) In general, an inmate incarcerated person must serve a full 24-hour period to receive credit for that day.

(2) The day an inmate incarcerated person is received in prison shall be counted as a full day regardless of the actual time of day ~~he or she~~they is are received.

(3) The day an inmate incarcerated person is paroled or discharged shall be counted as the first full day of parole supervision or post-release community supervision, if applicable, regardless of the actual time of day ~~he or she~~they is are paroled or discharged.

Subsections 3371.1(g) through 3371.1(g)(1) remains unchanged.

(2) While an inmate incarcerated person is serving a term for a violent offense as defined in subdivision (c) of section 667.5 of the Penal Code concurrently with a term for a non-violent offense, Good Conduct Credit shall be determined based on the violent offense. Upon completion of the term for a violent offense, Good Conduct Credit shall be determined based on the remaining non-violent offense.

Subsection 3371.1(h) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b), Sections 2930, 2931, 2932, 2932.5, 2933, 2933.05, 2933.1, 2933.2, 2933.3, 2933.5, 2933.6, 2934, 2935 and 5058, Penal Code. Reference: Sections 667, 667.5, 1168, 1170, 1170.1, 1170.12, 1192.7, 1203, 2900, 2900.1, 2900.5 and 5054, Penal Code; Section 1782, Welfare and Institutions Code; *In re Thomas* (1982) 132 Cal.App.3d. 779; *People v. Ramos* (1996) 50 Cal.App.4th 810; *In re Pope* (2010) 50 Cal.4th 777; *In re Pacheco* (2007) 155 Cal.App.4th 1439; *In re Reeves* (2005) 35 Cal.4th 765; and *People v. Sengdara* (Super. Ct. Orange County, 2016, No. M-16673XA).

Article 10. Classification

Section 3375 is amended to read:

3375. Classification Process.

(a) The classification process shall be uniformly applied, commencing upon reception of a person committed to the custody of the Secretary and shall continue throughout the time the individual remains under the Secretary's jurisdiction. Each inmate incarcerated person shall be individually classified in accordance with this article. Senate Bill 618 Participants, as defined in section 3000 and pursuant to subsection 3077.1(a)(1)(C), shall receive a preliminary classification at a county facility prior to reception at a departmental institution.

(b) The classification process shall take into consideration the inmate's incarcerated person's needs, interests and desires, ~~his/her~~ their behavior and placement score in keeping with the Department and institution's/facility's program and security missions and public safety.

(1) An automated needs assessment tool that identifies an inmate's incarcerated person's criminogenic needs shall be administered pursuant to Section 3375.6.

(c) Each determination affecting an inmate's incarcerated person's placement within an institution or facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff knowledgeable in the classification process. Exceptions include waiting list placements and assignments to Cognitive Behavioral Interventions (CBI) which can be made without a classification committee action based upon a health care services referral; or a guilty finding pursuant to subsection 3315(f)(5)(J)2. or 3315(f)(5)(J)3.

(d) The classification of felon inmates shall include the classification score system as established. A lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs.

(e) When possible, the inmate incarcerated person shall be given sufficient advance written notice of any classification committee hearing to provide the inmate incarcerated person reasonable preparation time to discuss the matter to be considered. An inmate incarcerated person appearing before a classification committee shall be informed of the inmate's incarcerated person's next classification committee hearing date when it is known or can be anticipated.

(f) The classification of inmates incarcerated persons shall provide the following procedural safeguards:

(1) Inmates Incarcerated persons shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect. Adverse effect is defined as:

(A) Involuntary transfer to a higher security level institution/facility, which is not consistent with the inmate's incarcerated person's placement score.

(B) Increase in the inmate's incarcerated person's custody designation.

Subsections 3375(f)(1)(C) through 3375(f)(1)(E) remain unchanged.

(F) Involuntary transfer to another institution/facility because of the inmate's incarcerated person's misbehavior or receipt of new information that may affect staff, inmates incarcerated persons, the public, or the safety and security of the institution/facility, whether or not his/her their placement score is consistent with the receiving institution's/facility's security level.

(G) Transfer of an inmate incarcerated person to a more restrictive institution or program where the security level is higher.

(2) Except as provided in subsection 3375(f)(3), the inmate incarcerated person shall be present at all initial classification committee hearings and at any other classification committee hearing which could result in an adverse effect upon the inmate incarcerated person.

(3) An in absentia (without inmate's incarcerated person's presence) classification hearings may be held only when:

(A) The inmate incarcerated person refuses to appear before the committee.

(B) The inmate incarcerated person is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing.

Subsection 3375(f)(3)(C) remains unchanged.

1. Improve the inmate's incarcerated person's conditions of confinement by reducing or removing a previously imposed restriction.
2. Approve an action requested in writing by the inmate incarcerated person.

Subsection 3375(f)(3)(C)(3.) remains unchanged.

(4) If the inmate incarcerated person was not previously notified and during the classification committee hearing an unanticipated adverse effect emerges, the hearing shall be postponed for at least 72 hours and the inmate incarcerated person shall be referred to the inmate's incarcerated person's counselor for assistance when the inmate incarcerated person is illiterate, or the issues are complex unless:

Subsection 3375(f)(4)(A) remains unchanged.

- (B) The inmate incarcerated person waives the 72-hour postponement.
- (5) The inmate incarcerated person shall be permitted to contest the preliminary score or placement score in the hearing.
- (6) Each inmate incarcerated person appearing before a classification committee shall be:

Subsections 3375(f)(6)(A) through 3375(g)(1)(C) remain unchanged.

(D) The inmate's incarcerated person's stated preferred action, the reasons for the preference, and ~~his/her~~ their agreement or disagreement with the committee action.

Subsections 3375(g)(1)(E) through 3375(g)(1)(G) remain unchanged.

(H) If an in absentia hearing is held, reason(s) for the inmate incarcerated person being absent.

Subsections 3375(g)(1)(I) through 3375(g)(2) remain unchanged.

- (A) The inmate's incarcerated person's requested transfer preference(s) and stated reason(s) for preferring that location.
- (B) The institution to which the committee recommends transfer with an alternate recommendation, if different from those requested by the inmate incarcerated person, and the specific reasons for both recommendations.
- (C) A statement of the inmate's incarcerated person's work group upon transfer based on adverse or non-adverse transfer circumstances.

Subsection 3375(g)(2)(D) remains unchanged.

(3) When the inmate incarcerated person is treated under the Mental Health Services Delivery System (MHSDS) and is at the Enhanced Outpatient Program (EOP) or the Mental Health Crisis Bed (MHCB) level of care, regardless of the inmate's incarcerated person's housing, a mental health clinician is required as a committee member at all hearings. When the inmate incarcerated person is in restricted housing and treated under the MHSDS at any level of care, a mental health clinician is required as a committee member at all hearings. Documentation shall include, but not be limited to the following:

- (A) The inmate's incarcerated person's current medical/psychiatric status/level of care.
- (B) MHSDS treatment needs.

(C) The inmate's incarcerated person's ability to understand and participate in the classification hearing.

(4) In all hearings when the inmate incarcerated person is treated under the MHSDS and is housed in restricted housing, documentation shall include the requirements indicated in subsection 3375(g)(3) as well as the following:

(A) A clinical assessment of the inmate's incarcerated person's likelihood of decompensation if retained in restricted housing.

(B) A summary of the clinical information provided by the mental health clinician when an actively decompensating mentally ill inmate incarcerated person is recommended for transfer to a mental health program by the mental health clinician and the decision of the committee is to retain the inmate incarcerated person in restricted housing.

Subsections 3375(g)(5) through 3375(g)(5)(C) remain unchanged.

(D) Commitment offense(s) (include parole revocation offense(s) resulting in good cause/probable cause findings if a parole violator.)

Subsection 3375(g)(5)(E) remains unchanged.

(F) When the inmate incarcerated person was received by the Department for the current incarceration.

Subsections 3375(g)(5)(G) through 3375(g)(5)(L) remain unchanged.

(M) The reason(s) the inmate incarcerated person was transferred to the current location.

Subsections 3375(g)(5)(N) through 3375(g)(5)(S) remain unchanged.

(h) An inmate incarcerated person shall be provided a copy of all non-confidential CDCR staff-generated documentation and reports placed in the inmate's incarcerated person's central file unless otherwise requested in writing by the inmate incarcerated person.

(i) An inmate incarcerated person shall not remain at an institution/facility with a security level which is not consistent with the inmate's incarcerated person's placement score unless approved by a Classification Staff Representative (CSR) or a staff person designated to serve in that capacity.

(j) A CDCR Form 839, (Rev. ~~05/23-07/24~~), CDCR Classification Score Sheet, shall be prepared pursuant to section 3375.3 on each newly received ~~felon~~ inmate incarcerated person convicted of a felony.

(1) In completing the CDCR Form 839, all relevant documents available during the reception center process shall be reviewed. The inmate incarcerated person shall be interviewed, informed of the purpose of the form, and allowed to contest specific item scores and other case factors on the form. Factors for which documentation is absent or conflicting shall be discussed during the interview.

(2) The inmate incarcerated person is responsible for providing documentation to support their challenge of any information on the CDCR Form 839.

(3) An effort shall be made to obtain verifiable documentation of all items on the CDCR Form 839. The probation officer's report (POR) shall be the document of choice to resolve any conflicting information received. Credit shall be given only upon verifiable documentation and shall not be given based solely on an inmate's incarcerated person's statements.

(4) A corrected CDCR Form 839 shall be initiated when the ~~inmate~~incarcerated person or another party presents verifiable documentation to support the change. When the change results in a placement score which falls into the range for a different facility security level, the ~~inmate's~~incarcerated person's case shall be referred to a CSR for transfer consideration.

(k) A CDCR Form 840 (Rev. ~~05/23~~07/24), CDCR Reclassification Score Sheet shall be prepared pursuant to section 3375.4 as part of the regular, continuous classification process. If an ~~inmate's~~incarcerated person's recalculated placement score is not consistent with the institution/facility security level where the ~~inmate~~incarcerated person is housed, the case shall be presented to a CSR for transfer consideration.

Subsection 3375(k)(1) remains unchanged.

(A) Twelve months after the date that the ~~inmate~~incarcerated person physically arrived in the reception center and annually thereafter.

(B) Any six-month period when favorable points are granted or unfavorable points are assessed which would cause the ~~inmate's~~incarcerated person's placement score to fall outside of the facility security level.

Subsection 3375(k)(1)(C) remains unchanged.

(2) A CDCR Form 841 (Rev. ~~05/23~~07/24), CDCR Readmission Score Sheet, shall be completed pursuant to section 3375.5 as part of the readmission process when a ~~parolee~~supervised person is returned to prison.

(l) The readmission process shall include review of the ~~inmate's~~incarcerated person's CDCR Form 839 to determine if unfavorable behavior points were previously assessed for a guilty finding of one or more of the six serious disciplinary offenses set forth in subsections 3375.3(b)(4)(C) through (H). If the offense(s) occurred 10 or more years prior to the date of the ~~inmate's~~incarcerated person's initial reception to CDCR, the previously assessed points shall be removed from the ~~inmate's~~incarcerated person's electronic CDCR Form 839, and shall no longer be counted toward the ~~inmate's~~incarcerated person's preliminary classification score.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.8, 3020, 5054, 5068 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Wright v. Enomoto* (1976) 462 F. Supp. 397; *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302; and *Castillo v. Alameida*, et al., (N.D. Cal., No. C94-2847).

Section 3375.1 is amended to read:

3375.1. ~~Inmate~~Incarcerated Person Placement.

(a) Except as provided in section 3375.2, each ~~inmate~~incarcerated person shall be assigned to a facility with a security level which corresponds to the following placement score ranges:

(1) An ~~inmate~~incarcerated person with a placement score of 0 through 18 shall be placed in a Level I facility.

(2) An ~~inmate~~incarcerated person with a placement score of 19 through 35 shall be placed in a Level II facility.

(3) An ~~inmate~~incarcerated person with a placement score of 36 through 59 shall be placed in a Level III facility.

(4) An ~~inmate~~incarcerated person with a placement score of 60 and above shall be placed in a Level IV facility.

Subsections 3375.1(a)(4)(A) through 3375.1(a)(4)(B)1. remain unchanged.

2. The Departmental Review Board (DRB) for ~~inmates~~incarcerated persons released from Restricted Housing Unit (RHU) after serving an Administrative RHU Term, or upon referral in accordance with subsection 3376.1(d).

Subsection 3375.1(a)(4)(B)3. remains unchanged.

(C) When making a determination for Level IV 180-design or 270-design facility ~~inmate~~incarcerated person placement, Correctional Counselors assigned to the reception center and any subsequent reviews conducted by a Classification Committee, or by the DRB for ~~inmates~~incarcerated persons who are released from RHU after serving an administrative RHU term, shall evaluate factors pursuant to subsection 3375(b). Additionally, the following factors shall be evaluated and considered:

Subsections 3375.1(a)(4)(C)1. through 3375.1(a)(4)(C)3. remain unchanged.

(D) Determinations for placement of ~~inmates~~incarcerated persons into a 180-design or 270-design facility housing and the rationale and justification for these decisions shall be clearly articulated and documented pursuant to subsection 3375(g)

(b) An ~~inmate~~incarcerated person approved for transfer to a subfacility of a complex may be received and processed through a facility with a security level higher than that which is consistent with the ~~inmate's~~incarcerated person's placement score. Such cases shall be transferred to the subfacility when bed space allows or, when appropriate, recommended for an administrative determinant which prohibits movement to the lower security level facility.

(1) The case shall be presented to a classification staff representative (CSR) for evaluation within 30 days of receipt at the facility unless the ~~inmate~~incarcerated person is on an approved waiting list maintained by the complex for placement of ~~inmates~~incarcerated persons at the approved subfacility.

(2) The transfer of an ~~inmate~~incarcerated person for more than 30 days from one subfacility of a complex to another subfacility which has a different security level, shall require a CSR endorsement. When the subfacility's security level is consistent with the inmate's placement score, the classification and parole representative (C&PR) or designated CC III acting as the CSR may endorse a case to the current institution, when appropriate for that subfacility.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3020, 5054 and 5068, Penal Code; *Wright v. Enomoto* (1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302.

Section 3375.2 is amended to read:

3375.2. Administrative Determinants.

placement conditions, known as administrative determinants, may be housed in a facility with a security level which is not consistent with the ~~inmate's~~inmate's placement score:

(1) An ~~inmate~~inmate requires an outpatient or higher degree of medical or psychiatric care at a facility specifically staffed for the type of treatment necessary.

(2) An ~~inmate~~inmate with a history of sex crimes designated in section 3377.1(b) shall not be housed in a Level I facility and shall not be assigned outside the security perimeter.

(3) An ~~inmate~~inmate with a history of arson shall not be housed in a facility constructed primarily of wood.

(4) An ~~inmate~~inmate with a felony hold, warrant, detainer, or the equivalent thereof filed with the Department who is likely to receive a significant period of consecutive incarceration or be deported shall not be housed in a Level I facility without perimeter gun towers.

(5) An ~~inmate~~inmate requires confidential placement in another correctional jurisdiction.

(6) An ~~inmate~~inmate serving a sentence of life without possibility of parole (LWOP) shall not be housed in a facility with a security level lower than Level II, except when authorized by the Departmental Review Board (DRB). Additionally, an LWOP ~~inmate~~inmate housed within a general population facility with a security level of II, III, or IV shall be housed in a facility with a lethal electrified fence as defined in section 3000.

(7) Condemned inmates shall not be housed in a facility with a security level lower than that which is authorized to house LWOP ~~inmates~~inmates. A condemned ~~inmate~~inmate shall not be housed in a facility with a security level lower than Level II, except when authorized by the DRB. Additionally, a condemned ~~inmate~~inmate housed within a general population facility shall be housed in a facility with a lethal electrified fence as defined in section 3000. Female condemned ~~inmates~~inmates shall only be housed at the Central California Women's Facility.

(8) An ~~inmate~~inmate serving a life term with the possibility of parole shall not be housed in a non-secure facility as defined in section 3000, nor assigned to a program outside a security perimeter unless the exceptional criteria specified within this subsection have been met. Exceptions may only occur when the Board of Parole Hearings (BPH) grants parole, the release date is within three years, and the Governor's Office has completed its review and either formally approved parole or taken no action. When all three conditions are met and the ~~inmate~~inmate is otherwise eligible for a custody reduction, the ~~inmate~~inmate shall be evaluated by an ICC for the custody reduction.

(9) An ~~inmate~~inmate serving a life term with the possibility of parole shall be housed in a facility with a security level of II or higher, unless the exceptional criteria specified within subsections 3375.2(a)(8) or 3375.2(a)(10)(A) through 3375.2(a)(10)(I) have been met.

(10) An ~~inmate~~inmate serving a life term with the possibility of parole may be housed in a secure Level I facility as defined in section 3000 when all of the following criteria are met:

- (A) The inmate incarcerated person has a preliminary score of 18 or less.
- (B) The inmate's incarcerated person's most recent parole consideration hearing resulted in no more than a three-year denial by the BPH.
- (C) The inmate's incarcerated person's most recent Comprehensive Risk Assessment, completed by a licensed psychologist employed by the BPH, identifies the inmate's incarcerated person's potential risk for future violence as low or moderate, or the inmate incarcerated person has been granted parole by the BPH.
- (D) The inmate incarcerated person does not have a VIO administrative determinant currently imposed, pursuant to subsection 3375.2(b)(29).
- (E) The inmate incarcerated person is not identified as a Public Interest Case as defined in section 3000.
- (F) The inmate incarcerated person does not have an “R” Suffix imposed.
- (G) The inmate incarcerated person does not have a history of escape or attempted escape with force from any correctional setting or armed escort, escape or attempted escape from a correctional setting with a secure perimeter as defined in section 3000, and plotting or planning to escape from a correctional setting with a secure perimeter as defined in section 3000 or from an armed escort.
- (H) The inmate incarcerated person does not require Maximum or Close Custody.
- (I) The inmate incarcerated person does not have a mandatory minimum score factor currently imposed which would preclude secure Level I placement. Where determined eligible for placement, the mandatory minimum score factor for “other life term” shall be removed or not imposed.
- (11) An inmate incarcerated person serving a life term whose placement score is not consistent with a Level I security level shall not be housed in a Level I facility except when approved by the Departmental Review Board.
- (12) An inmate incarcerated person whose death sentence is commuted or modified shall be transferred to a reception center for processing after which an ICC action and subsequent endorsement by a CSR shall determine the inmate's incarcerated person's initial facility placement.
- (13) An inmate incarcerated person with a case factor described in subsections 3377.2(b)(2)(A), 3377.2(b)(2)(B), or 3377.2(b)(2)(C), shall be ineligible for minimum custody. An inmate incarcerated person with a history of one or more walkaways from non-secure settings, not to include Drug Treatment Furlough, Community Correctional Reentry Centers, and Community Reentry Programs, shall not be placed in minimum custody settings for at least ten years following the latest walkaway.
- (14) A validated STG-I associate or member may be granted Minimum A or Minimum B Custody on a case-by-case basis. Designation of Minimum A or Minimum B Custody for a validated STG-I associate or member requires a review of the totality of the inmate's incarcerated person's case factors by an ICC and a determination that their housing with such a level of custody would not pose a threat to the safety and security of the institution, inmates incarcerated persons, staff, and public.
- (b) The following three-letter codes are used to indicate those administrative or irregular placement conditions known as administrative determinants, which may be imposed by departmental officials

to override the placement of an ~~inmate~~incarcerated person at a facility according to their placement score.

(1) AGE. ~~Inmate's~~Incarcerated person's youthfulness, immaturity or advanced age.

Subsection 3375.2(b)(2) remains unchanged.

(3) BEH. ~~Inmate's~~Incarcerated person's record of behavior indicates they are capable of successful placement at a facility with a security level lower than that which is consistent with their placement score. This factor shall not be used for an ~~inmate~~incarcerated person who is currently housed at a facility with a security level higher than that which is consistent with their placement score.

(4) CAM. Placement is recommended due to a shortage of camp qualified ~~inmates~~incarcerated persons.

(5) DEA. ~~Inmate~~Incarcerated person is currently or was formerly sentenced to death.

(6) DEP. Special placement ordered by the Departmental Review Board.

(7) DIS. ~~Inmate's~~Incarcerated person's disciplinary record indicates a history of serious problems or threatens the security of the facility.

(8) ENE. ~~Inmate~~Incarcerated person has one or more enemies under the department's custody or department's jurisdiction who have been documented on a CDCR Form 812 (Rev. 11/13), Notice of Critical Case Information-Safety of Persons (Non-Confidential Enemies), or on a CDC Form 812-C (Rev. 8/0107/24), Notice of Critical Information--Confidential Enemies, pursuant to section 3378. This shall also be used when it is probable that the ~~inmate~~incarcerated person may be victimized due to case factors (e.g., the nature of their offense is likely to create an enemy situation at certain facilities, current Protective Housing Unit case, and those who are natural victims because of their appearance).

(9) ESC. Unusual circumstances suggest the ~~inmate~~incarcerated person is a much greater escape risk than indicated by their placement score (e.g., the ~~inmate~~incarcerated person verbalized an intent to escape).

(10) FAM. ~~Inmate~~Incarcerated person has strong family ties to a particular area where other placement would cause an unusual hardship.

Subsection 3375.2(b)(11) remains unchanged.

(12) LIF. ~~Inmate~~Incarcerated person is serving a life sentence and requires placement in a facility with a security level higher than that indicated by their placement score.

(13) MED. ~~Inmate's~~Incarcerated person's medical condition requires treatment or continuing medical attention not available at all facilities.

(14) OUT. ~~Inmate~~Incarcerated person requires placement at a specific facility for an out-to-court appearance. This factor shall also be used when a releasing authority appearance is nearing.

(15) POP. Shall be used only by a CSR to indicate that no beds presently exist at a facility with a security level that is consistent with the ~~inmate's~~incarcerated person's placement score.

(16) PRE. The short time remaining to serve limits or otherwise influences placement or program options for the ~~inmate~~incarcerated person.

- (17) PSY. Inmate's Incarcerated person's psychological condition requires special treatment or may severely limit placement options. This factor shall also be used for those inmates incarcerated persons who are designated as Category B.
- (18) PUB. Shall be used only by a CSR to indicate an inmate incarcerated person is identified as a Public Interest Case as defined in section 3000.
- (19) REH. Inmate Incarcerated person is currently endorsed to or requires transfer to a Rehabilitative Program managed by the Division of Rehabilitative Programs, as defined in section 3000, and the program is not available at a facility with a security level which is consistent with the inmate's incarcerated person's placement score.
- (20) SCH. Inmate Incarcerated person is involved in an academic program which is not available at a facility with a security level that is consistent with their placement score.
- (21) SEC. Shall be used only by a CSR to indicate that the inmate incarcerated person has been designated as a Security Concern by an ICC and requires Close Custody.
- (22) SEX. Inmate Incarcerated person has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act which requires restricted custody or placement.
- (23) SNY. Inmate Incarcerated person has documented and verified Systemic Safety Concerns.
- (24) SOR. Inmate's Incarcerated person's bisexual or homosexual orientation may require special placement.
- (25) ST1. Security Threat Group-I (STG-I). Documentation establishes that the inmate's incarcerated person's STG-I designation may require special attention or placement consideration, while the validation remains current.
- (26) ST2. Security Threat Group-II (STG-II). Documentation establishes that the inmate's incarcerated person's STG-II designation may require special attention or placement consideration, while the validation remains current.
- (27) TIM. Inmate's Incarcerated person's time to serve is long, requiring placement at a facility with a security level higher than that which is consistent with their placement score.
- (28) VIO. Inmate Incarcerated person has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under Penal Code (PC) section 667.5(c), a felony conviction or equivalent finding for PC section 192(b), a felony or misdemeanor conviction or equivalent finding for PC section 422 or 646.9, or a guilty finding for Division A-1 or A-2 RVR offense that is the equivalent of a PC section 667.5(c) offense which occurred on or after February 20, 2017, which, as determined by the Classification Staff Representative (CSR), requires placement in a facility with a higher security level than that indicated by their placement score. For the purpose of this subsection, an equivalent finding means any finding specified within subsections 3375.2(b)(29)(A) through 3375.2(b)(29)(C). For the purpose of this subsection, a case-by-case review for VIO means a classification committee action in which the committee conducting the review examines the totality of the inmate's incarcerated person's case factors including, but not limited to: the circumstances of the offense, extent of injury to the victim(s), rationale for committing the offense, criminal intent versus neglect, history of committing similar acts, and the safety of the public, staff, and other inmates incarcerated persons.

Subsections 3375.2(b)(28)(A) through 3375.2(b)(28)(C) remain unchanged.

(D) A VIO administrative determinant shall be applied automatically for an inmate incarcerated person with a current or prior conviction or finding as described within subsection 3375.2(b)(29) including 3375.2(b)(29)(A)--(C) for a PC section 667.5(c) offense or an equivalent conviction from another jurisdiction, unless expressly identified as requiring case-by-case review as directed within subsections 3375.2(b)(29)(F)--(I).

(E) A case-by-case review for a VIO administrative determinant as directed within subsection 3375.2(b)(29)(F)--(I) is not required when an inmate incarcerated person already has or will have an administrative determinant imposed which will permanently preclude minimum custody. Note: MED and PSY administrative determinants are not permanent exclusionary case factors.

Subsections 3375.2(b)(28)(F) through 3375.2(b)(28)(I) remain unchanged.

(J) An inmate incarcerated person who has a VIO administrative determinant imposed currently or who is determined to require review for consideration of a VIO administrative determinant pursuant to subsection 3375.2(b)(29) shall be eligible for consideration of removal of an existing VIO during the annual classification review consistent with subsection 3376(d)(2)(A), or to not have a VIO imposed initially where the following criteria is satisfied:

1. Life term inmates incarcerated persons are eligible for consideration of placement in a secure level I facility as required by subsection 3375.2(a)(9), or placement in a non-secure facility pursuant to the exceptions noted in subsection 3375.2(a)(7) and meet the additional criteria noted within subsections 3375.2(b)(29)(J)3 through 8.

2. An inmate incarcerated person serving a determinate term is within five years of their Earliest Possible Release Date (EPRD) at the time of the review for removal of the VIO administrative determinant or the review to determine whether the VIO administrative determinant is or is not required.

Subsections 3375.2(b)(28)(J)3. through 3375.2(b)(28)(J)4. remains unchanged.

Subsections 3375.2(b)(28)(J)5. through 3375.2(b)(28)(J)5.c. remains unchanged.

d. Inmate's Incarcerated person's threat to the safety of public, staff, and inmates incarcerated persons based upon the totality of the inmate's incarcerated person's case factors.

Subsections 3375.2(b)(28)(J)6. through 3375.2(b)(28)(J)7. remain unchanged.

8. When a classification committee recommends VIO removal by the CSR, the classification committee shall also review the inmate's incarcerated person's case for appropriate housing, based upon the totality of the inmate's incarcerated person's case factors, in accordance with Article 10, Classification.

(29) VOC. Inmate Incarcerated person is involved in a Career Technical Education program, also referred to as a vocational program, which is not available at a facility with a security level which is consistent with the inmate's incarcerated person's placement score.

(30) WOR. Inmate Incarcerated person has a work skill in a critical trade, which warrants special placement consideration.

NOTE: Authority cited: Sections 3600, 5058 and 5058.3, Penal Code. Reference: Sections 3450, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Wright v. Enomoto* (N.D. Cal. 1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302.

Section 3375.3 is amended to read:

3375.3. CDCR Classification Score Sheet, CDCR Form 839, Calculation.

This section incorporates by reference CDCR Form 839 (Rev. ~~05/23~~07/24), Classification Score Sheet.

The factors and related numerical weights used to determine an incarcerated person's~~inmate's~~ preliminary score are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

Subsections 3375.3(a) through 3375.3(a)(1) remain unchanged.

(A) Calculate the incarcerated person's~~inmate's~~ age at first arrest based on the date of the incarcerated person's~~inmate's~~ first arrest. If there is no record of arrests prior to the commitment offense, use the date of arrest for the commitment offense as the date of the incarcerated person's~~inmate's~~ first arrest on CDCR Form 839, CDCR Classification Score Sheet.

Subsections 3375.3(a)(1)(B) through 3375.3(a)(2) remain unchanged.

(A) When the incarcerated person's~~inmate's~~ age at reception is determined, round down to the full year and apply that information to the Age at Reception matrix.

Subsections 3375.3(a)(2)(B) through 3375.3(a)(3)(B)4. remain unchanged.

(C) If, subsequent to endorsement of the CDCR Form 839, the incarcerated person~~inmate~~ receives a new term, record the change in term points, if any, on a CDCR Form 840 (Rev. ~~05/23~~07/24), Reclassification Score Sheet, as a result of this new term. Do not correct the CDCR Form 839.

(4) Street gang/disruptive group (Boxes 35-38). For the purpose of preliminary score evaluation, if there is information that the incarcerated person~~inmate~~ is or has been involved in gang activity, enter 6 points in Box 35.

(A) Type of street gang/disruptive group code. Apply the code that most closely identifies the incarcerated person's~~inmate's~~ gang. Enter the appropriate alpha code in Boxes 36-37.

Subsections 3375.3(a)(4)(A)1. through 3375.3(a)(4)(B) remain unchanged.

1. Code A -- Self admission. Staff shall document information about the ~~inmate/parolee's~~ incarcerated/supervised person's self-admission and specific involvement with the STG/street gang. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

2. Code B -- Tattoos and symbols. Body markings, hand signs, distinctive clothing, graffiti, etc., which have been certified by CDCR pursuant to Section 3378.1, as being used by and distinctive to specific STGs/street gangs. Staff shall describe the tattoo or symbol in detail. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

3. Code C -- Written material. Any material or documents evidencing STG activity such as the membership or enemy lists, roll call lists, constitutions, organization structures, codes, training material, etc., of specific STGs. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

4. Code D -- Photographs. Individual or group photographs with STG connotations such as those which include insignia, certified symbols, or validated STG affiliates. The date of the photograph shall be reasonably ascertained to be no older than four (4) years in order to be considered for a method of verification code. Any photograph being utilized as a source item that depicts STG affiliates shall be required to have at least one of the individuals previously validated by the department, or be validated by the department within six (6) months of the photograph's established or estimated date of origin. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

5. Code E -- Staff information. Documentation of staff's visual or audible observations which reasonably indicate STG activity as described in Subsections 3314(a)(3)(L) and (M), Administrative Rules Violations, STG Contraband and Behavior; or Subsections 3315(a)(3)(Z) and (AA), Serious Rules Violations, STG Violent, Disruptive, or Controlling Behavior. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

6. Code F -- Other agencies. Information evidencing STG affiliation provided by other agencies including, but not limited to, police reports, crime reports, or arrest reports evidencing STG conduct, which have not been submitted, considered, and incorporated within received court documents. Any information from another agency shall be documented by the staff person who receives such information, citing the source and validity of the information. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

7. Code G -- Association. Information related to the ~~inmate's~~ incarcerated person's association with validated STG affiliates. The association shall be more than a chance encounter or an innocuous association, but rather, a pattern or history of encounters that involve STG behavior and/or an occurrence of conducting STG related business. Direct contact with a validated STG affiliate is not necessary to show this association. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

8. Code H -- Offenses. Where the circumstances of an offense indicates that the offense was committed for the benefit or promotion of, at the direction of, or in association with an STG. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person

9. Code I -- Legal documents. Probation officer's report, court transcripts, or other legal documents evidencing STG activity. Staff shall assure the document containing this information is disclosed to the ~~inmate/parolee~~ incarcerated/supervised person in written form that would not jeopardize the safety of any person or the security of the institution.

10. Code J -- Communications. Documentation of conversations, conversations between offenders/others, mail, greeting cards, notes, or other communication, which include coded or explicit messages evidencing STG activity. Staff shall document and disclose this information to the ~~inmate/parolee~~ incarcerated/supervised person in a written form that would not jeopardize the safety of any person or the security of the institution.

Subsections 3375.3(a)(5) through 3375.3(b) remain unchanged.

(1) Last 12 months of Incarceration (Boxes 50-52). Prior incarceration behavior in any correctional agency shall include the last 12 consecutive months in custody, prior to the date that the incarcerated person~~inmate~~ was received in CDCR, going as far back as necessary to attain a total of 12 months. This includes behavior while in county jail, after conviction, or during transportation to the reception center. For example, behavior while incarcerated in juvenile hall;or federal prison; or while serving a civil addict commitment shall also be counted.

Subsections 3375.3(b)(2) through 3375.3(b)(2)(A) remain unchanged.

(B) If the incarcerated person~~inmate~~ has a prior incarceration for 12 months or more but adequate documentation of the incarcerated person'~~inmate~~'s behavior is not available, four (4) favorable points shall be granted.

Subsections 3375.3(b)(2)(B)1. through 3375.3(b)(3) remain unchanged.

(A) If the incarcerated person~~inmate~~ had no serious disciplinary(s) in the last 12 months of incarceration(s), four points shall be entered in Box 50.

Subsections 3375.3(b)(3)(B) through 3375.3(b)(4)(A) remain unchanged.

(B) Serious Disciplinary History (Boxes 53-64).

A single serious disciplinary offense for which an incarcerated person~~inmate~~ was found guilty may result in the assessment of points on the classification score sheet for more than one factor listed in subsections 3375.3(b)(4)(C) through (H) of this section. Unfavorable behavior points shall be assessed for offenses that occurred while the incarcerated person~~inmate~~ was incarcerated with any correctional agency. Points shall not be assessed for serious disciplinary offenses that occurred 10 or more years prior to the date of the incarcerated person'~~inmate~~'s initial reception on the current term of incarceration.

(C) For each battery on a non-incarcerated person~~nonprisoner~~ or attempted battery on a non-incarcerated person~~nonprisoner~~, eight points shall be entered in Boxes 53-54.

1. Battery shall include any offense described in section 3005(d).

(D) For each battery or attempted battery on an incarcerated person~~inmate~~, four points shall be entered in Boxes 55-56. Assessments shall only include situations where one or more incarcerated persons~~inmates~~ are clearly the victim.

Subsections 3375.3(b)(4)(E) through 3375.3(b)(4)(F) remain unchanged.

1. Four points shall be entered in Boxes 59-60 for each well documented incident of an incarcerated person'~~inmate~~'s possession, manufacture or attempted manufacture of a deadly weapon where apparent use was intended (does not include possession of commonly available and unmodified objects unless used as a weapon and this fact is documented in the disciplinary hearing process). Include possession of a razor blade (whether modified or not) in a restricted housing unit (i.e., EOP RHU, CCCMS RHU, or GP RHU); or,

2. Eight points shall be entered in Boxes 59-60 for each possession, manufacture or attempted manufacture of a deadly weapon incident, which occurred within five years of the incarcerated person'~~inmate~~'s reception to the Department on the current term.

Subsection 3375.3(b)(4)(G) remains unchanged.

(H) For each battery that caused serious bodily injury, 16 points shall be entered in Boxes 63-64. Incarcerated persons~~Inmates~~ who conspired in or ordered the battery shall also receive these points.

Subsections 3375.3(b)(4)(H)1. through 3375.3(c) remain unchanged.

(1) The incarcerated person's~~inmate's~~ preliminary score is entered in Boxes 65-67 and is the result of adding the total points derived from background factors in subsection (a) with the total points derived from prior incarceration behavior in subsection (b).

Subsections 3375.3(c)(2) through 3375.3(d) remain unchanged.

(1) A mandatory minimum score is a score that is applied to an incarcerated person~~inmate~~ who has a case factor that requires that ~~he/she~~ they be housed no lower than a specific security level.

Subsections 3375.3(d)(2) through 3375.3(d)(3) remain unchanged.

(A) If an incarcerated person~~inmate~~ has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 68.

Subsections 3375.3(d)(3)(B) through 3375.3(f) remain unchanged.

(1) In Box 74, enter “A” if the incarcerated person~~inmate~~ has an active felony hold, warrant, or detainer. Enter “P” if the incarcerated person~~inmate~~ has a potential felony hold, warrant, or detainer. If the incarcerated person~~inmate~~ has both an active and a potential felony hold, warrant, or detainer, enter “A”.

(2) In Box 75, enter “A” if the incarcerated person~~inmate~~ has an active United States Immigration and Customs Enforcement (USICE) detainer. Enter “P” if the incarcerated person~~inmate~~ has a potential USICE detainer.

(3) In Box 76, enter “R” if the incarcerated person~~inmate~~ meets the criteria for an “R” suffix per section 3377.1(b).

Subsection 3375.3(g) remains unchanged.

(1) The CSR determines appropriate housing in keeping with Departmental needs, safety and security, the incarcerated person's~~inmate's~~ placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

Subsections 3375.3(g)(1)(A) through 3375.3(g)(1)(A)1. remain unchanged.

2. Entered only if the facility's security level where the incarcerated person~~inmate~~ is placed is not consistent with ~~his/her~~ their placement score.

Subsection 3375.3(g)(1)(B) remains unchanged.

(2) CSR approval of an administrative or irregular placement (administrative determinant) is valid only as long as the incarcerated person's~~inmate's~~ placement score remains within the same facility security level as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 4502, 5054 and 5068, Penal Code; *Wright v. Enomoto* (1976) 462 F.Supp. 397; *Stoneham v. Rushen* (1984) 156 Cal. App. 3d 302; and *Castillo v. Alameida, et al.* (N.D. Cal., No. C94-2847).

Section 3375.4 is amended to read:

3375.4. CDCR Reclassification Score Sheet, CDCR Form 840, Calculation.

This section incorporates by reference CDCR Form 840 (Rev. ~~05/23~~07/24), Reclassification Score Sheet.

The factors and their related numerical weights used to recalculate an ~~inmate's~~inmate's ~~incarcerated person's~~ preliminary score or new preliminary score are listed below. Box numbers appear to the right but refer to the first box on the left of each field.

(a) Favorable behavior since last review (Boxes 46-51). The categories below provide favorable points for six-month intervals. For an annual reclassification review, two six-month periods may be counted. When an ~~inmate's~~inmate's ~~incarcerated person's~~ status is interrupted during the period without ~~inmate~~inmate ~~incarcerated person~~ fault, the period shall be considered continuous.

Subsections 3375.4(a)(1) through 3375.4(a)(3)(A) remain unchanged.

(B) Favorable points shall not be granted for average or above average performance for ~~inmates~~inmate's ~~incarcerated persons~~ who are not assigned to a program, unless the ~~inmate~~inmate ~~incarcerated person~~ is diagnosed as totally disabled as defined in section 3000.

(C) Time that an ~~inmate~~inmate ~~incarcerated person~~ spends during a six-month review period with a diagnosis of being totally disabled as defined in section 3000 shall count for the purpose of granting favorable points for average or above average performance.

Subsection 3375.4(b) remains unchanged.

(1) For each serious misbehavior for which the ~~inmate~~inmate ~~incarcerated person~~ was found guilty during any six-month review period, apply eight points for a Division A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense, with the exception of use of any controlled substance, as identified in H&SC 11007, or alcohol, based solely on a positive test result from an approved departmental testing method pursuant to section 3290. Only misbehavior which is equivalent to a serious rule violation as defined in section 3315 shall be recorded in Boxes 52-57. This includes behavior while in the county jail or conduct that occurred while the ~~inmate~~inmate ~~incarcerated person~~ was housed in another state or federal jurisdiction.

Subsections 3375.4(b)(1)(A) through 3375.4(b)(1)(B) remain unchanged.

(2) For each battery on a ~~nonprisoner~~non-prisoner ~~non-incarcerated person~~ or attempted battery on a ~~nonprisoner~~non-prisoner ~~non-incarcerated person~~ during any six-month review period, eight points shall be entered in Boxes 58-59.

Subsection 3375.4(b)(2)(A) remains unchanged.

(3) For each battery on an ~~inmate~~inmate ~~incarcerated person~~ or attempted battery on an ~~inmate~~inmate ~~incarcerated person~~ during any six-month review period, four points shall be entered in Boxes 60-61.

(A) Refers to situations where one or more ~~inmates~~inmate's ~~incarcerated persons~~ are clearly the victim.

(B) Do not include mutual combat where both ~~inmates~~inmate's ~~incarcerated persons~~ were co-responsible.

Subsection 3375.4(b)(4) remains unchanged.

(5) For each well-documented serious misbehavior for possession, manufacture or attempted manufacture of a deadly weapon where apparent use was intended, 16 points shall be entered in Boxes 64-65. Points shall not be assessed for possession of commonly available and unmodified objects, unless they were used as weapons and that fact is documented in the disciplinary report. Include possession of a razor blade (whether modified or not) in a restricted housing unit (i.e., EOP RHU, CCCMS RHU, or GP RHU).

(6) For each serious disciplinary where the inmate~~inmate~~incarcerated person led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 66-67. Include any willful and deliberate behavior which may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(7) For each battery that caused serious bodily injury, 16 points shall be entered in Boxes 68-69. inmates~~inmates~~incarcerated persons who conspired in or ordered such battery shall receive the same points.

Subsections 3375.4(b)(7)(A) through 3375.4(d)(1) remain unchanged.

(2) When the most current score appears on the CDCR Classification Score Sheet, CDCR Form 839, (Rev. ~~05/23-07/24~~) or later, enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDCR Reclassification Score Sheet, CDCR Form 840, (Rev ~~05/23-07/24~~) or later, enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDCR Readmission Score Sheet, CDCR Form 841, (Rev. ~~05/23-07/24~~) or later, enter the value from that score sheet that is the new preliminary score.

Subsections 3375.4(e) through 3375.4(g) remain unchanged.

(1) When an inmate~~inmate~~incarcerated person receives a new or additional sentence to prison which changes the total term length, two points shall be added or subtracted for each year of difference between the new term and the old term. The resultant plus or minus figure is the change in term points.

(2) When the Board of Parole Hearings establishes a parole date for an inmate~~inmate~~incarcerated person with a life sentence:

Subsections 3375.4(g)(2)(A) through 3375.4(g)(2)(C) remain unchanged.

(3) For parole violators: If a parole violator receives a new term after the CDCR Form 841 (Rev. ~~05/23-07/24~~) has been endorsed, the prior term points shall be given a minus value and combined with new term points. The difference is the change in term points.

Subsections 3375.4(g)(4) through 3375.4(h) remain unchanged.

(1) The inmate~~inmate~~sincarcerated person's new preliminary score is entered in Boxes 82-84 and is the result of combining the preliminary score subtotal and any adjustments resulting from a change in term points as determined in subsection (g).

Subsections 3375.4(h)(2) through 3375.4(i) remain unchanged.

(1) A mandatory minimum score is a score that is applied to an inmate incarcerated person who has a case factor that requires that ~~he/she~~ they be housed no lower than a specific security level.

Subsections 3375.4(i)(2) through 3375.4(i)(3) remain unchanged.

(A) If an inmate incarcerated person has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 85.

Subsections 3375.4(i)(3)(B) through 3375.4(j)(3) remain unchanged.

(4) The placement score is the primary factor used to determine the security level to which the inmate incarcerated person is assigned.

Subsection 3375.4(k) remains unchanged.

(1) In Box 91, enter “A” if the inmate incarcerated person has an active felony hold, warrant, or detainer. Enter “P” if the inmate incarcerated person has a potential felony hold, warrant, or detainer. If the inmate incarcerated person has both an active and a potential felony hold, warrant, or detainer, enter “A”.

(2) In Box 92, enter “A” if the inmate incarcerated person has an active United States Immigration and Customs Enforcement (USICE) detainer. Enter “P” if the inmate incarcerated person has a potential USICE detainer.

(3) In Box 93, enter “R” if the inmate incarcerated person meets the criteria for an “R” suffix per section 3377.1(b).

Subsections 3375.4(k)(4) through 3375.4(l) remain unchanged.

(1) The CSR determines appropriate housing in keeping with Departmental needs, safety and security, the inmate’s incarcerated person’s placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

Subsections 3375.4(l)(1)(A) through 3375.4(l)(1)(A)2. remain unchanged.

(B) Entered only if the facility's security level where the inmate incarcerated person is placed is not consistent with the inmate’s incarcerated person’s placement score.

Subsection 3375.4(l)(1)(C) remains unchanged.

(2) CSR approval of an administrative or irregular placement is only valid as long as the inmate’s incarcerated person’s placement score remains within the same facility security level score range as when the approval was given.

(m) An inmate incarcerated person whose CDCR term has been discharged due to the conviction being vacated on appeal who is then re-convicted and returned to CDCR custody for the same crime event shall be considered for a one-time point adjustment commensurate with the net change in points attributable to positive and/or negative behavior achieved during the original associated CDCR term.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 4502, 5054 and 5068, Penal Code; *Wright v. Enomoto* (1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302.

Section 3375.5 is amended to read:

3375.5. CDCR Readmission Score Sheet, CDCR Form 841, Calculation.

This section incorporates by reference CDCR Form 841 (Rev. ~~05/23~~07/24), Readmission Score Sheet.

The factors and their related numerical weights used to recalculate an ~~inmate's~~inmate's ~~incarcerated~~incarcerated ~~person's~~person's preliminary score upon readmission to the Department are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Favorable behavior since last review (Boxes 48-53). The categories below provide favorable points for six-month intervals. When an ~~inmate's~~inmate's ~~incarcerated~~incarcerated ~~person's~~person's status is interrupted during the period without ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person fault, the period shall be considered continuous.

Subsections 3375.5(a)(1) through 3375.5(a)(3)(B)1. remain unchanged.

2. Favorable points shall not be granted for average or above average performance for ~~e~~ who are not assigned to a program, unless the ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person is diagnosed as totally disabled as defined in section 3000.

3. Time that an ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person spends during a six-month review period with a diagnosis of being totally disabled as defined in section 3000 shall count for the purpose of granting favorable points for average or above average performance.

Subsection 3375.5(b) remains unchanged.

(1) For each serious misbehavior for which the ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person was found guilty during a six-month review period, apply eight points for a Division A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense, with the exception of use of any controlled substance, as identified in H&SC 11007, or alcohol, based solely on a positive test result from an approved departmental testing method pursuant to section 3290 in Boxes 54-59. Only misbehavior that is equivalent to a serious rule violation as defined in section 3315 shall be recorded. This includes behavior while in the county jail or conduct that occurred while the ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person was housed in another state or federal jurisdiction.

Subsections 3375.5(b)(1)(A) through 3375.5(b)(1)(B) remain unchanged.

(2) For each battery on a ~~non-prisoner~~non-prisoner ~~non-incarcerated~~non-incarcerated ~~person~~person or attempted battery on a ~~non-prisoner~~non-prisoner ~~non-incarcerated~~non-incarcerated ~~person~~person during any six-month review period, eight points shall be entered in Boxes 60-61.

Subsection 3375.5(b)(3) remains unchanged.

(4) For each battery on an ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person or attempted battery on an ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person during any six-month review period, four points shall be entered in Boxes 62-63.

(A) Refers to situations where one or more ~~inmates~~inmates ~~incarcerated~~incarcerated ~~persons~~persons are clearly the victim.

(B) Do not include mutual combat where both ~~inmates~~inmates ~~incarcerated~~incarcerated ~~persons~~persons were co-responsible.

Subsections 3375.5(b)(5) through 3375.5(b)(6) remain unchanged.

(7) For each serious disciplinary where the ~~inmate~~inmate ~~incarcerated~~incarcerated ~~person~~person led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 68-69. Include any willful and

deliberate behavior that may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(8) For each battery that caused serious bodily injury, 16 points shall be entered in Boxes 70-71. ~~inmates~~incarcerated persons who conspired in or ordered the battery shall receive the same points.

Subsections 3375.5(b)(8)(A) through 3375.5(c)(1) remain unchanged.

(2) When the most current score appears on the CDCR Form 839 (Rev. ~~05/23-07/24~~) or later, CDCR Classification Score Sheet, enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDCR Form 840, (Rev. ~~05/23-07/24~~) or later, CDCR Reclassification Score Sheet, enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDCR Form 841, (Rev ~~05/23-07/24~~) or later, CDCR Readmission Score Sheet, enter the value from that score sheet that is the new preliminary score.

Subsections 3375.5(d) through 3375.5(f) remain unchanged.

(1) If, during reception center processing, the ~~inmate~~incarcerated person has been designated as a PVRTC, do not enter a value. This area is left blank for an ~~inmate~~incarcerated person who has returned as a parole violator *without* a new term.

(2) If, subsequent to reception center processing, the parole violator receives a new term, record the change in term points, if any, on a CDCR Form 840 (Rev. ~~05/23-07/24~~), Reclassification Score Sheet, as a result of this new term. Do not correct the CDCR Form 841.

(3) If, during reception center processing, the ~~inmate~~incarcerated person has been designated as a PVWNT, the prior term points shall be given a minus value and combined with the new term points. To determine the new term points, multiply the number of whole years times two. Drop months from the calculation.

Subsections 3375.5(f)(4) through 3375.5(g) remain unchanged.

(1) The ~~inmate's~~incarcerated person's new preliminary score is the result of combining the preliminary score subtotal with the change in term points (if any).

Subsections 3375.5(g)(2) through 3375.5(h) remain unchanged.

(1) A mandatory minimum score is a score that is applied to an ~~inmate~~incarcerated person who has a case factor that requires that ~~he/she~~ they be housed no lower than a specific security level.

Subsections 3375.5(h)(2) through 3375.5(h)(3) remain unchanged.

(A) If an ~~inmate~~incarcerated person has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 87.

Subsection 3375.5(h)(3)(B) through 3375.5(i)(3) remain unchanged.

(4) The placement score is the primary factor that is used to determine the security level to which the ~~inmate~~incarcerated person is assigned.

(j) Special Case Factors (Boxes 93-95)

(1) In Box 93, enter “A” if the inmate incarcerated person has an active felony hold, warrant, or detainer. Enter “P” if the inmate incarcerated person has a potential felony hold, warrant, or detainer. If the inmate incarcerated person has both an active and a potential felony hold, warrant, or detainer, enter “A”.

(2) In Box 94, enter “A” if the inmate incarcerated person has an active United States Immigration and Customs Enforcement (USICE) detainer. Enter “P” if the inmate incarcerated person has a potential USICE detainer.

(3) In Box 95, enter “R” if the inmate incarcerated person meets the criteria for an “R” suffix per section 3377.1(b).

(k) Classification Staff Representative (Boxes 117-181):

(1) The CSR determines appropriate housing in keeping with Departmental needs, safety and security, the inmate incarcerated person’s placement score and administrative determinants.

Subsections 3375.5(k)(1)(A) through 3375.5(k)(1)(B) remain unchanged.

1. Entered only if the facility's security level where the inmate incarcerated person is placed is not consistent with his placement score.

Subsection 3375.5(k)(1)(B)2. remains unchanged.

3. CSR approval of an administrative or irregular placement is valid only as long as the inmate incarcerated person’s placement score remains within the same facility security level as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 4502 and 5054, Penal Code.

Section 3375.6 is amended to read:

3375.6. Automated Needs Assessment Tool.

(a) A validated automated needs assessment tool, as defined in Section 3000, will identify criminogenic needs which are most predictive of criminal behavior. The tool identifies a needs value that demonstrates the level of need from high to low and shall be utilized to assist in placing the inmate incarcerated person in a rehabilitative program. Currently the automated needs assessment tool that is being utilized is the Correctional Offender Management Profiling For Alternative Sanctions (COMPAS) (copyright version 2020), which is hereby incorporated by reference. This tool is subject to change in the future, due to proprietary licensing rights, software version updates, and the department's agreement with the licensed authority.

(1) An automated needs assessment tool shall be administered during the reception center process for all inmate incarcerated persons.

(2) An automated needs assessment tool shall be administered during the initial or annual review process for inmate incarcerated persons who do not have a completed automated needs assessment tool.

(3) The automated needs assessment tool evaluates the inmate incarcerated person’s criminogenic needs in categories such as Substance Use Disorder, Career Technical Education, educational, criminal personality, family criminality, and anger/violence.

(b) The results of the automated needs assessment tool shall be evaluated during committee actions to assist in determining the inmate's incarcerated person's placement and sequencing into rehabilitative programs. The automated needs assessment tool results shall be placed in the inmate's incarcerated person's central file.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3020, 5054 and 5068, Penal Code.

Section 3376 is amended to read:

3376. Classification Committees.

Subsection 3376(a) remains unchanged.

(1) Camp means the type of subfacility of an institution which is normally located in a rural area and which has no secure (fenced or walled) perimeter. Camp inmates incarcerated persons are generally assigned to conservation and/or road details.

(2) Community-access facility (CAF) means any facility located in the community, administrated by the Division of Adult Parole Operations, where inmates incarcerated persons have access to the community for work or training and which has no secure (fenced or walled) perimeter.

(3) Community correctional facility (CCF) means a facility located in the community, administrated by the Parole and Community Services Division, where inmates incarcerated persons do not have unsupervised access to the community and which has a secure (fenced) perimeter.

Subsections 3376(a)(4) through 3376(c)(1)(C) remain unchanged.

(D) Assignment lieutenant (initial classification), program lieutenant (unit classification), or CAF/CCF inmate incarcerated person assignment/program coordinator.

Subsections 3376(c)(1)(E) through 3376(c)(2)(E) remain unchanged.

(F) Assignment lieutenant or CAF/CCF inmate incarcerated person assignment/program coordinator.

Subsections 3376(c)(2)(G) through 3376(d)(1) remain unchanged.

(A) Evaluate case factors and assist the inmate incarcerated person to understand facility expectations, available programs, and resources.

(B) Initiate an education, Career Technical Education program, or work program; designate a credit earning and privilege group; and assign a custody designation for each inmate incarcerated person.

Subsections 3376(d)(1)(C) through 3376(d)(1)(D) remain unchanged.

(E) Grant work credits to which the inmate incarcerated person is entitled while in transit.

Subsection 3376(d)(2) remains unchanged.

(A) Review each inmate's incarcerated person's case at least annually to consider the accuracy of the inmate's incarcerated person's classification score, custody designation, program, work and privilege group, and facility placement, including recommendation for transfer. A parole violator's first annual review may be delayed for up to five months so that it will coincide with classification score updates.

(B) Change in inmate's incarcerated person's work/privilege group.

(C) Conduct post board classification on an ~~inmate~~incarcerated person within 15 days of receipt of official notice of a Board of Parole Hearings' decision regarding the ~~inmate~~incarcerated person.

(D) Act on an ~~inmate's~~incarcerated person's request for restoration of forfeited credits for less than Division C offenses in accordance with section 3327.

Subsections 3376(d)(2)(E) through 3376(d)(3) remain unchanged.

(A) Recommend transfer of ~~inmates~~incarcerated persons.

Subsection 3376(d)(3)(B) remains unchanged.

(C) Review ~~inmate~~incarcerated person requests for meritorious sentence reduction to determine compliance with Penal Code section 2935.

Subsection 3376(d)(3)(D) remains unchanged.

1. Any offender who is denied housing in a General Population (GP) setting based on possible safety concerns shall have an investigation into the ~~inmate's~~incarcerated person's safety concerns completed by designated staff. All confidential information referenced in the safety investigation shall be disclosed to the offender utilizing Confidential Information Disclosure Form(s) in accordance with section 3321.

2. Offenders shall be given at least 72-hours advance notice of the safety concern interview. The ~~inmate~~incarcerated person shall be provided with disclosures of confidential information, and/or copies of non-confidential documents at least 72-hours prior to an interview with the ~~inmate~~incarcerated person. The interview with the Investigator may be held earlier if the offender waives, in writing, the 72-hour preparation period.

3. During the face to face interview with the investigator, the subject will be given a meaningful opportunity to be heard in regard to the information used in the validation of safety concerns. The ~~inmate~~incarcerated person will be assigned a Staff Assistant when warranted and effective communication will be addressed. The ~~inmate~~incarcerated person will be allowed the opportunity to refute any information, provide clarification, or provide additional information as to why the disclosed information may no longer be accurate.

4. Upon conclusion of the investigation, the safety concern evaluation shall be forwarded to classification staff for an ICC hearing. If applicable, the investigator's safety closure report must identify the information used as evidence to support that the prior conflict(s) included in the safety investigation no longer pose a threat to the ~~inmate~~incarcerated person.

(E) Change an ~~inmate's~~incarcerated person's work/privilege group.

1. ~~inmates~~incarcerated persons assigned to Privilege Group C who participate in the Mental Health Services Delivery System at the Enhanced Outpatient Program (EOP) level of care or higher, shall be referred to the Interdisciplinary Treatment Team (IDTT) via CDCR Form 128-MH5 (Rev. 05/14), Mental Health Referral Chrono, for a program review.

2. Within five working days, IDTT may recommend certain privileges be granted to the ~~inmate~~incarcerated person on a case-by-case basis when it is determined suspension of privileges would cause decompensation or would be detrimental to the ~~inmate's~~incarcerated person's mental health status. In this event, the correctional counselor attending IDTT shall refer the ~~inmate~~incarcerated person to the classification committee for consideration of reinstating privileges, or the Captain for cases described in subsection 3044(f)(1)(B)4.

3. Each time the classification committee, or Captain for cases in accordance with subsection 3044(f)(B)4., reinstates privileges, the correctional counselor attending committee or the Captain shall ensure housing unit staff are made aware of any privileges reinstated to the inmate incarcerated person or if the removal of Privilege Group C has occurred. Any changes shall be documented on a CDC Form 128-B (Rev. 04/74), General Chrono, and distributed to the housing unit and the inmate incarcerated person following the classification committee or Captain's decision and shall be effective immediately.
4. The primary clinician is required to monitor the inmate's incarcerated person's mental health status. At any time if it is determined the mental health of an inmate incarcerated person placed into Privilege Group C has declined as a result of suspension of privileges, the Primary Clinician shall refer the inmate incarcerated person to IDTT for a program review. IDTT may recommend documentation of concerns and findings and a copy will be provided to the assigned correctional counselor for referral to the classification committee. The primary clinician shall communicate with the classification committee clinician prior to the classification committee commencement, ensuring the recommendation noted on the CDC 128-C (Rev. 01/96), Medical-Psychiatric-Dental (Chrono), is reviewed, discussed and documented.
5. The classification committee shall consider the input provided by the primary clinician via the CDC 128-C (Rev. 01/96), when determining whether an inmate incarcerated person will be removed from Privilege Group C and document the findings on the automated Classification Committee Chrono (Rev. 05/19).
6. An inmate incarcerated person deemed a program failure, as defined in Section 3000, who is permanently transferred to another institution shall be returned to the privilege group ~~he or she~~ they had have before being placed on Privilege Group C.

Subsections 3376(d)(3)(F) through 3376(d)(3)(G) remain unchanged.

(H) Refer the case to the DRB, when an inmate incarcerated person has a substantial disciplinary history consisting of no less than three RHU terms within the past five years, substantial justification exists for the need for continued RHU placement due to the inmate's incarcerated person's on-going threat to safety and security of the institution and/or others, and the inmate incarcerated person cannot be housed in less-restrictive housing.

Subsections 3376(d)(4) through 3376(d)(5)(D) remains unchanged.

NOTE: Authority cited: Sections 3303 and 3309, Welfare and Institutions Code; and Sections 5058 and 6252, Penal Code. Reference: Sections 2933, 5054 and 5068, Penal Code.

Section 3376.1 is amended to read:

3376.1. Departmental Review Board.

The Departmental Review Board (DRB) provides the Secretary's final review of classification issues which are referred by an institution head for a resolution or decision at the headquarters level. The DRB decision serves as the Secretary's level decision which is not appealable and concludes the ~~inmate/parolee's~~ inmate's incarcerated/supervised person's departmental administrative remedy of such issues.

Subsections 3376.1(a) through 3376.1(d)(2) remain unchanged.

(3) An institution head believes a DRB level decision for placement of an inmate incarcerated person is required because of an unusual threat to the safety of persons or public interest in the case; e.g., commuted or modified death sentence.

Subsections 3376.1(d)(4) through 3376.1(d)(5) remain unchanged.

(6) Meritorious credit is recommended by an institution classification committee to reduce an ~~inmate's~~incarcerated person's period of confinement pursuant to Penal Code Section 2935.

(7) The ~~inmate's~~incarcerated person's current placement was ordered by the DRB and there is no documentation in the ~~inmate's~~incarcerated person's central file to indicate that the DRB has relinquished responsibility for the ~~inmate's~~incarcerated person's placement.

(8) An institution head determines there is a substantial threat to the ~~inmate's~~incarcerated person's personal safety, should ~~he/she~~ they be released to the general population.

(A) Any offender who is denied housing in a General Population (GP) setting based on possible safety concerns shall have an investigation into the ~~inmate's~~incarcerated person's safety concerns completed by designated institution staff.

Subsection 3376.1(d)(8)(B) remains unchanged.

(9) An institution head determines there continues to be a demonstrated threat to the ~~inmate's~~incarcerated person's personal safety and the ~~inmate~~incarcerated person has been housed in Restricted Custody General Population (RCGP) based upon these safety concerns for a two-year period. Additional DRB review for safety concerns shall occur every two years from initial placement date.

(A) If the DRB determines that there is a substantial threat to the ~~inmate's~~incarcerated person's personal safety should they be released to the GP as determined by a preponderance of the evidence, the DRB retains the discretion, in accordance with existing authority to house that ~~inmate~~incarcerated person in alternate appropriate non-restricted housing commensurate with his case factors, such as alternate general population housing or RCGP. The DRB shall articulate substantial justification for the need for alternative placement.

Subsection 3376.1(d)(10) remains unchanged.

(11) An institution head determines an ~~inmate~~incarcerated person has a substantial disciplinary history, consisting of no less than three RHU terms within the past five years, and cannot be housed in a less-restrictive environment.

(12) An institution classification committee recommends that a condemned ~~inmate~~incarcerated person be housed in a facility with a security level lower than Level II.

(13) An institution classification committee recommends that an ~~inmate~~incarcerated person serving a sentence of life without possibility of parole (LWOP) be housed in a facility with a security level lower than Level II.

(e) The DRB retains discretion in determining appropriate housing for ~~inmates~~incarcerated persons against whom there is a substantial threat to the ~~inmate's~~incarcerated person's personal safety, should they be released to general population housing, where the DRB determines a preponderance of evidence exists to require placement in alternate appropriate non-restricted housing commensurate with the ~~inmate's~~incarcerated person's current case factors.

(f) The DRB may retain an ~~inmate~~incarcerated person in the RHU on Administrative RHU status if they have determined that case factors are such that overwhelming evidence exists supporting an immediate threat to the security of the institution or the safety of others, and substantial justification has been articulated of the need for RHU placement.

(g) An annual assessment of the ~~inmate's~~incarcerated person's case factors and disciplinary behavior associated with the current Administrative RHU status is mandated.

Subsection 3376.1(h) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3601, 3602, 5054, 5068 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Sandin v. Connor* (1995) 515 U.S. 472; and *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146.

Section 3377 is amended to read:

3377. Facility Security Levels.

Each camp, facility, or area of a facility complex shall be designated at a security level based on its physical security and housing capability. Reception centers are not facilities of assignment and are exempt from the security level designations except for the assignment of permanent work crew ~~inmates~~incarcerated persons. The security levels are:

Subsections 3377(a) through 3377(d) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3377.1 is amended to read:

3377.1. ~~Inmate~~Incarcerated Person Custody Designations.

(a) Designation of a degree of an ~~inmate's~~incarcerated person's custody shall be reasonably related to legitimate penological interests. The CDCR uses the following ~~inmate~~incarcerated person custody designations to establish where an ~~inmate~~incarcerated person shall be housed and assigned, and the level of staff supervision required to ensure institutional security and public safety:

Maximum Custody,

Close Custody,

Medium A Custody,

Medium B Custody,

Minimum A Custody,

Minimum B Custody,

Subsections 3377.1(a)(1) through 3377.1(a)(1)(B) remain unchanged.

(C) An ~~inmate~~incarcerated person designated as Maximum Custody shall be under the direct supervision and control of custody staff.

(2) Close Custody Male ~~Inmates~~Incarcerated Persons.

Subsection 3377.1(a)(2)(A) remains unchanged.

(B) Close Custody ~~inmates~~incarcerated persons shall be permitted to participate in program assignments and activities scheduled within the hours of 0600 hours to 2000 hours unless hours are extended by the Warden to no later than 2200 hours when it is determined that visibility is not

compromised in areas located within the facility security perimeter. Bases for the extended hours include operational necessity, daylight savings time, or availability of high mast lighting. Close Custody ~~inmates~~incarcerated persons shall be permitted to participate in program assignments and activities during the hours of 0600 hours to 2000 hours in areas located within the facility security perimeter including beyond the work change area in a designated Level II, Level III or Level IV institution. Close Custody ~~inmates~~incarcerated persons may participate in designated work program assignments until 2200 hours when the work program is in an assigned housing unit located within the facility security perimeter. Close Custody ~~inmates~~incarcerated persons may participate in limited evening activities after 2000 hours until the general evening lockup and count when the limited activity is in a designated housing unit located within the facility security perimeter.

(C) The work supervisor shall provide direct and constant supervision of Close Custody ~~inmates~~incarcerated persons during the ~~inmate's~~incarcerated person's assigned work hours.

(D) Custody staff supervision shall be direct and constant. In addition to regular institutional counts, Close Custody male ~~inmates~~incarcerated persons shall be counted at noon each day.

(3) Close Custody Female ~~Inmates~~Incarcerated Persons.

Subsection 3377.1(a)(3)(A) remains unchanged.

(B) Close Custody female ~~inmates~~incarcerated persons shall be permitted to participate in program assignments and activities scheduled within the hours of 0600 hours to 2000 hours unless hours are extended by the Warden to no later than 2200 hours when it is determined that visibility is not compromised in areas located within the facility security perimeter and the work change area. Bases for the extended hours include operational necessity, daylight savings time, or availability of high mast lighting. Close Custody female ~~inmates~~incarcerated persons shall be permitted to participate in program assignments and activities during the hours of 0600 hours to 2000 hours in areas located within the facility security perimeter, including beyond the work change area. Close Custody female ~~inmates~~incarcerated persons may participate in work program assignments until 2200 hours when the work program is in an assigned housing unit located within the facility security perimeter. Close custody female ~~inmates~~incarcerated persons may participate in limited evening activities after 2000 hours until the general evening lockup and count when the limited activity is in an assigned housing unit located within the facility security perimeter.

(C) The work supervisor shall provide direct and constant supervision of Close Custody ~~inmates~~incarcerated persons during the ~~inmates'~~incarcerated persons' assigned work hours.

(D) Custody staff supervision shall be direct and constant. In addition to regular institutional counts, Close Custody female ~~inmates~~incarcerated persons shall be counted at noon each day.

Subsections 3377.1(a)(4) through 3377.1(a)(5)(A) remain unchanged.

(B) Assignments and activities shall be within the facility security perimeter. ~~Inmates~~Incarcerated persons may be given daytime assignments outside the facility security perimeter but must remain on facility grounds.

Subsections 3377.1(a)(5)(C) through 3377.1(a)(6)(B) remain unchanged.

(C) Staff supervision shall consist of at least hourly observation if assigned outside the facility security perimeter. Sufficient staff supervision of the ~~inmate~~incarcerated person shall be provided to ensure the ~~inmate~~incarcerated person is present if assigned inside the facility security perimeter.

Subsections 3377.1(a)(7) through 3377.1(a)(7)(B) remain unchanged.

(C) Sufficient staff supervision shall be provided to ensure the inmate incarcerated person is present.

(b) An “R” suffix shall be affixed to an inmate’s incarcerated person’s custody designation to ensure the safety of inmates incarcerated persons, correctional personnel, and the general public by identifying inmates incarcerated persons who have a history of specific sex offenses as outlined in Penal Code (PC) Section 290.

Subsection 3377.1(b)(1) remains unchanged.

(A) The inmate incarcerated person is required to register per PC Section 290.

(B) The inmate’s incarcerated person’s parole was revoked by the Board of Parole Hearings (BPH) formerly known as the Board of Prison Terms/Parole Hearing Division, Good Cause/Probable Cause Finding of an offense that is equivalent to an offense listed in PC Section 290.

(C) The inmate incarcerated person had a BPH formerly known as California Youth Authority/Youth Offender Parole Board sustained adjudication of an offense that is equivalent to an offense listed in PC Section 290.

(D) The inmate incarcerated person had a valid “R” suffix evaluation as defined in this section, resulting in the “R” suffix being affixed.

(2) Inmates Incarcerated persons with a prior “R” suffix evaluation inconsistent with Section 3377.1(b)(5) shall not have an “R” suffix applied. An “R” suffix evaluation must be completed at the receiving institution.

(3) Within six months of reception or at any time during an incarceration, inmates incarcerated persons with records of arrest, detention, or charge of any offenses listed in PC Section 290, shall appear before a classification committee to determine the need to affix an “R” suffix to the inmate’s incarcerated person’s custody designation. The committee shall consider the arrest reports and district attorney's comments related to each arrest.

(A) An inmate incarcerated person found guilty in a disciplinary hearing of a Division A-1, A-2, or B offense that is equivalent to an offense listed in PC Section 290 shall have an “R” suffix evaluation completed by a classification committee.

(4) The receiving institution's initial classification committee shall affix the “R” suffix designation to an inmate’s incarcerated person’s custody during initial classification committee review when it is determined the “R” suffix was not applied at the reception center and the inmate incarcerated person meets one of the criteria listed in Subsection 3377.1(b)(1).

Subsections 3377.1(b)(5) through 3377.1(b)(5)(A) remain unchanged.

(B) DRB approval is required to affix an “R” suffix to an inmate’s incarcerated person’s degree of custody if the required relevant documents are not available to complete an “R” suffix evaluation.

(6) If a Unit Classification Committee (UCC) finds that an inmate incarcerated person may no longer require an “R” suffix, the committee shall refer the case to the Institution Classification Committee (ICC) for review.

Subsections 3377.1(b)(7) through 3377.1(b)(8) remain unchanged.

(9) An “R” suffix shall not be applied if the ~~inmate~~incarcerated person was acquitted/found not guilty of the sex related charges in a court of law even if BPH Good Cause/Probable Cause Finding revoked ~~his/her~~ their parole for those sex related charges.

(10) ~~Inmates~~Incarcerated persons with “R” suffixes shall not be housed in a Level I facility and shall not be assigned outside the security perimeter.

(11) ~~Inmate~~Incarcerated persons who have obtained a valid Certificate of Rehabilitation pursuant to PC Section 4852.01 shall not have an “R” suffix affixed.

(12) An ~~inmate~~incarcerated person whose “R” suffix has been removed shall be eligible for any housing or assignment for which they otherwise would qualify had the “R” suffix never been designated.

Subsections 3377.1(b)(13) through 3377.1(b)(13)(B) remain unchanged.

(c) An “S” suffix may be affixed by a classification committee to the ~~inmate’s~~incarcerated person’s custody designation to alert staff of an ~~inmate’s~~incarcerated person’s need for single cell housing. The classification committee's decision to affix the “S” suffix shall be based on documented evidence that the ~~inmate~~incarcerated person may not be safely housed in a double cell or dormitory situation based on a recommendation by custody staff or a health care clinician.

(d) A “D” suffix may be affixed by an Institutional Classification Committee (ICC) to a male ~~inmate’s~~incarcerated person’s Close Custody designation to indicate the ~~inmate~~incarcerated person may be housed within a dormitory environment. A mental health clinician or physician shall be present during the ICC classification hearing for placement or removal of a D Suffix to ~~an inmate-~~an incarcerated person’s custody designation.

(1) A “D” suffix shall only be affixed by ICC if the ~~inmate~~incarcerated person meets one of the following criteria and the ICC determines the ~~inmate~~incarcerated person can safely program in dormitory housing based on a review of the ~~inmate’s~~incarcerated person’s case factors:

Subsection 3377.1(d)(1)(A) through 3377.1(d)(1)(B) remain unchanged.

(2) Other security precaution requirements set forth in Section 3377.1 for Close Custody still apply to ~~inmates~~incarcerated persons with a “D” suffix.

Subsections 3377.1(d)(3) through 3377.1(d)(3)(B) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 4852.01, 5054 and 5068, Penal Code; *Americans With Disability Act (ADA)*, 42 U.S.C. § 12131, et seq.; and *Pennsylvania Department of Corrections v. Yeskey* (1998) 524 U.S. 206.

Section 3377.2 is amended to read:

3377.2. Criteria for Assignment of Close Custody.

(a) Upon review of an ~~inmate’s~~incarcerated person’s case factors and need for supervision, a classification committee shall establish a Close Custody designation in accordance with the case factor criteria established in section 3377.2(b).

(1) After completing the minimum time requirement for Close Custody as established in 3377.2(b), an ~~inmate’s~~incarcerated person’s custody shall be considered for reduction by a classification committee during the annual classification review consistent with subsection 3376(d)(2)(A).

(A) The minimum time requirement for Close Custody will continue to be applied when an inmate incarcerated person is not eligible for consideration of reduction during the annual review process.

(B) The period of time the inmate incarcerated person was unclassified while undergoing reception center processing shall be applied toward the minimum time requirement for Close Custody as established in subsection 3377.2(b). However, no time spent at Maximum Custody shall be applied toward satisfying the Close Custody minimum time requirement.

(2) Prior to meeting the minimum time requirement for Close Custody, an inmate incarcerated person assigned Close Custody based solely on the current term length pursuant to subsection 3377.2(b)(1)(A) shall be reviewed for reduction of custody during each annual classification review, if the inmate incarcerated person is without any finding of guilt for a serious Rules Violation Report within 12 months of the date of the classification committee action.

(A) An inmate incarcerated person shall not be considered for a reduction in custody prior to the established minimum time requirements in subsection 3377.2(b) when the Close Custody requirement is based on escape history pursuant to subsection 3377.2(b)(2)(A), 3377.2(b)(2)(B) or 3377.2(b)(2)(C); Detainers pursuant to subsection 3377.2(b)(3); or Disciplinary History pursuant to subsections 3377.2(b)(4)(A), 3377.2(b)(4)(B), or 3377.2(b)(4)(C).

(B) An inmate incarcerated person, eligible for and granted a reduction in custody at the annual review prior to meeting the established minimum timeframe, may only be returned to Close Custody if a new case factor is identified which requires Close Custody or the inmate incarcerated person is designated a security concern as defined in section 3000 and assigned Close Custody as described within this section.

(C) An inmate incarcerated person assigned Close Custody based solely on the current term length pursuant to subsection 3377.2(b)(1)(A), who is not excluded from review pursuant to subsection 3377.2(a)(2)(A), shall be considered for a reduction in custody at the first annual classification committee review after Close Custody was established. The period of time spent unclassified during reception center processing shall count toward fulfilling the minimum Close Custody time requirement. The period of time during which an inmate incarcerated person is designated at Maximum Custody shall not count toward fulfilling the minimum Close Custody time requirement as established in subsection 3377.2(a)(2).

(D) An inmate incarcerated person assigned Close Custody, not excluded from review pursuant to subsection 3377.2(a)(2)(A), who is continued at Close Custody, shall be considered for a reduction in custody at each subsequent annual classification committee review prior to meeting the minimum time requirement, if the inmate incarcerated person is without any finding of guilt for a serious Rules Violation Report (RVR) within 12 months of the date of committee action. If an inmate incarcerated person is retained at Close Custody, the classification committee shall document the reasons for retention at Close Custody. When the inmate incarcerated person has met the minimum Close Custody time requirement, the 12 month serious disciplinary free period is no longer required.

1. An inmate incarcerated person with a serious RVR pending adjudication, received within 12 months of the date of committee review, shall be ineligible for a reduction from Close Custody until the disciplinary process for the RVR has been completed.

Subsection 3377.2(a)(2)(D)2. remains unchanged.

(3) Departmental Review Board (DRB) approval is required to assign a Close Custody designation to an inmate incarcerated person who does not meet the case factor criteria established in section 3377.2(b).

(4) An ICC may temporarily assign a Close Custody designation to an inmate incarcerated person, for a maximum of 90 days, pending receipt of documents or verification of information needed to make a final determination.

A classification committee may also temporarily assign a Close Custody designation to an inmate incarcerated person who has postponed the disciplinary hearing of a Rules Violation Report (RVR) that qualifies for Close Custody designation pursuant to section 3377.2(b) pending referral for criminal prosecution until the RVR is adjudicated, not to exceed the minimum requirements for Close Custody as established in sections 3377.2(a)(1) and 3377.2(b). Upon adjudication of the RVR, the case shall be returned to a classification committee within 30 days for custody review.

(5) A period of time during which an inmate incarcerated person is not in the custody of the Department, as defined in section 3000, shall not count toward fulfilling the required minimum time period to be served at Close Custody as established in section 3377.2(b).

(6) Incarceration time served in the Division of Juvenile Justice (DJJ), prior to the inmate's incarcerated person's placement in CDCR during the inmate's incarcerated person's current term, shall be counted toward fulfilling the required minimum time period to be served at Close Custody. Staff shall apply the provisions described in sections 3377.2(a)(1) and 3377.2(b) to determine the appropriate custody designation.

(7) An inmate incarcerated person who meets more than one Close Custody case factor shall be designated Close Custody for the longest required amount of time before becoming eligible for consideration of reduction from Close Custody, unless eligible for a consideration of an earlier reduction from Close Custody pursuant to subsection 3377.2(a)(2).

(8) When an inmate incarcerated person paroles or discharges prior to fulfilling the required minimum time period for Close Custody per section 3377.2(b) and later returns to prison, any time remaining to fulfill his Close Custody requirements from his prior term shall not be reimposed. Close Custody shall only be designated based on current case factors, and no credit shall be given for time spent at Close Custody on the prior CDCR term.

(9) When an inmate's incarcerated person's judgment (commitment) is vacated or recalled and the inmate incarcerated person is subsequently re-sentenced for the same crime event, resulting in discharge of the original CDCR term and re-commitment to CDCR, the new sentence shall be evaluated for Close Custody eligibility. If the inmate's incarcerated person's case factors associated with the new sentence require Close Custody, an ICC shall grant credit for time served at Close Custody and/or a lower custody on the discharged CDCR term. If the inmate incarcerated person has not completely fulfilled the required minimum time period for Close Custody, the inmate incarcerated person shall be required to serve the remaining Close Custody time as specified in 3377.2(b).

(10) Upon discovery of a custody designation error wherein an inmate incarcerated person should have been designated as Close Custody but was not, or was erroneously reduced from Close Custody, a classification committee shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close Custody. After granting credit for time served at the lower custody, if the inmate incarcerated person has not completely fulfilled the

required minimum time period for Close Custody, the ICC shall evaluate the totality of the ~~inmate's~~incarcerated person's case factors to determine whether to impose the remaining Close Custody obligation or allow the ~~inmate~~incarcerated person to remain at the lower custody designation. The factors used in the ICC's determination not to impose the remaining Close Custody obligation shall be clearly documented in the classification action. If a subsequent ICC has a difference of opinion regarding the initial waiver of Close Custody under this provision, the case shall be presented to DRB.

(11) On a case-by-case basis, an ICC may waive the Close Custody designation for an ~~inmate~~incarcerated person who otherwise meets the criteria per section 3377.2(b) if, after an evaluation of the individual's case factors, it is determined the ~~inmate~~incarcerated person has a permanent and severe physical limitation which diminishes the need for direct and constant supervision.

(A) If the ~~inmate's~~incarcerated person's condition improves and/or the ~~inmate~~incarcerated person subsequently demonstrates a need for direct and constant supervision, ICC shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close Custody. After granting credit for time served at the lower custody, if the ~~inmate~~incarcerated person has not completely fulfilled the required minimum time period for Close Custody, the ICC shall impose the appropriate Close Custody designation and the ~~inmate~~incarcerated person shall fulfill the remaining time at Close Custody as established in section 3377.2(b).

Subsection 3377.2(a)(11)(B) remains unchanged.

(b) Close Custody Case Factor Criteria: An ~~inmate~~incarcerated person is required to serve the minimum periods of Close Custody established within section 3377.2, unless eligible to be considered for a reduction from Close Custody as established within subsection 3377.2(a)(2).

Subsection 3377.2(b)(1) remains unchanged.

(A) Upon initial classification and custody designation for the current sentence, an ~~inmate~~incarcerated person serving a sentence of Life Without the Possibility of Parole (LWOP), or serving one or more life terms, or who has 25 years or more remaining to serve as of the date of the initial classification, shall serve at least 5 years at Close Custody.

(B) When a court action, subsequent to an ~~inmate's~~incarcerated person's initial classification and custody designation for the original sentence, increases the ~~inmate's~~incarcerated person's remaining time to serve, and the ~~inmate's~~incarcerated person's time to serve previously did not warrant Close Custody or now requires a longer minimum time period to be served at Close Custody, a classification committee shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close Custody. After granting credit for time served at the lower custody, if the ~~inmate~~incarcerated person has not completely fulfilled the required minimum time period for Close Custody, an ICC shall evaluate the totality of the ~~inmate's~~incarcerated person's case factors to determine whether to impose the remaining Close Custody obligation or allow the ~~inmate~~incarcerated person to remain at the lower custody designation. The ~~inmate's~~incarcerated person's remaining time to serve shall be computed from the date of the classification committee hearing that initially considers the court action. If a subsequent ICC has a difference of opinion regarding the imposition or waiver of Close Custody under this provision, the case shall be presented to DRB.

(D) When a court action, subsequent to an inmate's incarcerated person's initial classification and custody designation for the original sentence, decreases the inmate's incarcerated person's remaining time to serve, and the time to serve previously warranted Close Custody but no longer does or now requires a shorter minimum time period to be served at Close Custody, a classification committee shall evaluate the inmate incarcerated person for custody reduction within 30 days. The inmate's incarcerated person's remaining time to serve shall be computed from the date of the classification committee hearing that initially considers the court action.

Subsection 3377.2(b)(1)(E) remains unchanged.

(F) When a verified administrative error in the computation of the inmate's incarcerated person's time to serve is discovered and corrected, which results in the inmate incarcerated person now warranting Close Custody or requiring a longer minimum time period to be served at Close Custody, a classification committee shall grant credit for time served at the lower custody toward fulfilling the required minimum time period for Close Custody. After granting credit for time served at the lower custody, if the inmate incarcerated person has not completely fulfilled the required minimum time period for Close Custody, an ICC shall evaluate the totality of the inmate's incarcerated person's case factors to determine whether to impose the remaining Close Custody obligation or allow the inmate incarcerated person to remain at the lower custody designation. The inmate's incarcerated person's remaining time to serve shall be computed from the date of the classification committee hearing that initially considers the corrected release date. If a subsequent ICC has a difference of opinion regarding the imposition or waiver of Close Custody under this provision, the case shall be presented to DRB.

(2) Escape History. For Close Custody purposes only, an inmate incarcerated person who leaves a non-secure facility without permission and without force and who fails to return is not considered to have escaped.

(A) An inmate incarcerated person convicted of, or whose current or prior commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, Escape With Force or Attempted Escape With Force from any correctional setting or armed escort shall serve at least 10 years of Close Custody when the escape or attempted escape occurred within 10 years of the date of return to CDCR, or the initial custody classification, or the date of release from restricted housing, whichever occurs later.

(B) An inmate incarcerated person convicted of, or whose current or prior commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, Escape Without Force or Attempted Escape Without Force from a correctional setting other than a non-secure facility as defined in section 3000, or from an armed escort shall serve at least 8 years at Close Custody when the escape or attempted escape occurred within 10 years of return to CDCR or the initial custody classification, or the date of release from restricted housing, whichever occurs later.

(C) An inmate incarcerated person convicted, or found guilty of a disciplinary report by any law enforcement agency, for plotting or planning to escape from a correctional setting other than a non-secure facility as defined in section 3000 or from an armed escort shall serve at least 3 years at Close Custody from the date of the conviction or administrative finding of guilt, or when the incident occurred within 10 years of the initial custody classification, or the date of release from restricted housing, whichever occurs later.

(3) Detainers. An ~~inmate~~incarcerated person with an active law enforcement detainer for an offense with a possible penalty of death, lifetime incarceration, or a total term of 50 years or more shall serve at least 5 years at Close Custody upon placement of the detainer.

Subsection 3377.2(b)(4) remains unchanged.

(A) An ~~inmate~~incarcerated person convicted of, or whose commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, an in-custody Murder of a ~~Non-Inmate~~non-incarcerated person shall be designated Close Custody. Custody shall not be reduced from Close Custody. The ~~inmate~~incarcerated person shall require Close Custody during any subsequent incarceration, whether serving a new term or for a parole violation.

(B) An ~~inmate~~incarcerated person convicted of, or whose commitment offense includes, or who is found guilty of a disciplinary report by any law enforcement agency for, an in-custody Murder of an ~~Inmate~~Incarcerated Person within the last 10 years shall serve at least 10 years at Close Custody.

(C) An ~~inmate~~incarcerated person found guilty of a Division A-1 or Division A-2 serious RVR, as set forth in section 3323, shall serve at least 1 year at Close Custody. Thereafter, during each annual classification review, consistent with subsection 3376(d)(2)(A) the ~~inmate~~incarcerated person shall be considered for a reduction in custody. A classification committee may retain the ~~inmate~~incarcerated person at Close Custody for up to two additional years based solely upon the degree of threat the ~~inmate~~incarcerated person's misconduct, as documented within the original Division A-1 or Division A-2 serious RVR, continues to present to the institution. To be retained at Close Custody, the ~~inmate~~incarcerated person must be reviewed by a classification committee and the reasons for retention at Close Custody shall be articulated within the automated Classification Committee Chrono (05/19). The ~~inmate~~incarcerated person shall be removed from Close Custody at the third annual review after Close Custody was assigned unless otherwise required by these regulations.

(5) Security Concern. When the ICC determines the ~~inmate~~incarcerated person is a Security Concern as defined in section 3000, the ICC shall assign a Close Custody designation. The ICC shall review the case and evaluate the need to continue the Security Concern designation no less than annually. Upon designation as a Security Concern, ICC shall refer the case to a Classification Staff Representative for application of the SEC administrative determinant. If an ~~inmate~~incarcerated person has been designated as a Security Concern for two years and upon ICC review the committee determines continued Close Custody is necessary, the case shall be referred to DRB for approval.

(6) ~~Condemned Inmate-Incarcerated Person~~. A condemned ~~inmate~~Incarcerated Person housed within the general population shall be designated Close Custody for at least five years.

(c) An ~~inmate~~incarcerated person received into CDCR on or before February 19, 2017, shall be subject to the Close Custody criteria established February 20, 2017 in section 3377.2 as follows in this subsection. In addition, any new case information received on or after February 20, 2017, or RVR adjudicated on or after February 20, 2017, shall be subject to the Close Custody criteria established February 20, 2017 in section 3377.2.

(1) An ~~inmate~~incarcerated person who is unclassified on February 20, 2017, shall be subject to the Close Custody criteria established February 20, 2017 in section 3377.2.

(2) An inmate incarcerated person who is Minimum Custody or Medium Custody on February 20, 2017, shall not be increased to Close Custody solely due to the implementation of the Close Custody regulations established February 20, 2017 in section 3377.2.

(3) An inmate incarcerated person who is Close B Custody on February 20, 2017, shall be granted credit for time served at Close A and/or Close B Custody toward fulfilling the required minimum time period for Close Custody, as established in the Close Custody criteria established February 20, 2017 in section 3377.2(b). If the Close Custody criteria established February 20, 2017 in section 3377.2(b) require the inmate incarcerated person to serve a greater time period of Close Custody, the inmate incarcerated person shall serve the time period required pursuant to the Close Custody criteria established February 20, 2017.

(4) An inmate incarcerated person who is Close A Custody on February 20, 2017, shall be granted credit for time served at Close A Custody toward fulfilling the required minimum time period for Close Custody, as established in the Close Custody criteria established February 20, 2017 in section 3377.2(b). If the Close Custody criteria established February 20, 2017 in section 3377.2(b) require the inmate incarcerated person to serve a greater time period of Close Custody, the inmate incarcerated person shall serve the time period required pursuant to the Close Custody criteria established February 20, 2017.

(5) An inmate incarcerated person who is Maximum Custody on February 20, 2017, for a reason that does not require Close Custody, shall be subject to section 3377.2(c)(1) through section 3377.2(c)(4) during the first classification committee review reducing the inmate incarcerated person from Maximum Custody. The inmate's incarcerated person's custody designation prior to the Maximum Custody designation shall be considered with the applicable section [3377.2(c)(1) through 3377.2(c)(4)]. However, an inmate incarcerated person who is Maximum Custody on February 20, 2017, who was originally placed on Maximum Custody for a reason that does require Close Custody upon release from restricted housing shall be subject to the Close Custody criteria established February 20, 2017 in section 3377.2 during the first classification committee review reducing the inmate incarcerated person from Maximum Custody.

An inmate incarcerated person who is Maximum Custody on February 20, 2017, for a reason that requires Close Custody, shall be subject to the Close Custody criteria established February 20, 2017 in section 3377.2 during the first classification committee review reducing the inmate incarcerated person from Maximum Custody.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Americans With Disability Act (ADA)*, 42 U.S.C. § 12131, et seq.; and *Pennsylvania Department of Corrections v. Yeskey* (1998) 524 U.S. 206.

Section 3378 is amended to read:

3378. Security Threat Group Identification, Prevention, and Management.

(a) Any information regarding an offender which is or may be critical to the safety of persons inside or outside an institution shall be documented as required below on a CDCR Form 812 (Rev. 11/13), Notice of Critical Case Information--Safety of Persons (Nonconfidential Enemies), which is incorporated by reference and CDCR Form 812-C (Rev. 8/0107/24), Notice of Critical Information--Confidential Enemies. The CDCR Form 812, and CDCR Form 812-C and all documents referred to on the forms shall be filed in the central file of each identified offender. Any confidential material affecting the critical case factors of an offender shall conform to the

provisions of section 3321. Entries on these forms shall not be a substitute for detailed documentation required elsewhere in the central file.

(b) A CDCR Form 812, and when applicable a CDCR Form 812-C, shall be completed for each newly committed or returned offender.

(1) The CDCR Form 812 and CDCR Form 812-C shall be updated as any critical information becomes known and is documented in the offender's central file. The forms shall also be reviewed and updated at the time of any change in the offender's status or placement.

Subsections 3378(b)(2) through 3378(d) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida, et al.* (N.D. Cal., No. C94-2847).

Section 3378.1 is amended to read:

3378.1. Security Threat Group Certification Process.

Introductory language through subsection 3378.1(f)(3) remains unchanged.

(A) If the certification request is approved, dissemination of the newly certified sign or symbol will be made to DAI Wardens, OCS Agents, the ~~inmate~~incarcerated population, and all other interested parties.

Subsections 3378.1(f)(3)(B) through 3378.1(f)(4) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3378.2 is amended to read:

3378.2. Security Threat Group Validation Process.

Introductory language through subsection 3378.2(b) remains unchanged.

(b) The validation process delineates the formal objective criteria utilized by an STG Investigator to determine an individual's affiliation with a certified or recognized STG. Each factor is determined by a weighted point system in order to conclude whether the information taken as a whole is sufficient to establish a nexus to the STG.

Validation process for identifying and documenting STG members, associates, or suspects, which are defined as follows:

Member: Any offender or any person who, based on documented evidence, has been accepted into membership by a STG. STG members will be identified by the STG Investigator through the validation process, reviewed by OCS, and affirmed by the STG Unit Classification Committee.

Initial Validation of an offender as a member requires at least three (3) independent source criteria items with a combined value of 10 points or greater coupled with information/behavior indicative of a member.

Validation of an offender as a member of a STG-I shall also require that at least one of the criteria source items be a direct link to a current or former validated member or associate of the STG, or

to an offender or any person who is validated by the Department within six months of the established or estimated date of behavior identified in the evidence considered.

An upgrade from associate to member requires at least three (3) independent source criteria items, that were not previously used in a validation, with a combined value of 10 points or greater coupled with at least three (3) of the items of information/behavior being indicative of a member.

Associate: Any offender or any person who, based on documented evidence, is involved periodically or regularly with the members or associates of a STG. STG associates will be identified by the STG Investigator through the validation process, reviewed by OCS, and affirmed by the STG Unit Classification Committee. Initial validation of an offender as an associate requires at least three independent source criteria items with a combined value of 10 points or greater coupled with information/behavior indicative of an associate.

Validation of an offender as an associate of a STG-I shall also require that at least one source criteria item be a direct link to a current or former validated member or associate of the STG, or to an offender or any person who is validated by the Department within six months of the established or estimated date of behavior identified in the evidence considered.

Suspect: Any offender or any person who, based on documented evidence, is involved periodically or regularly with the members or associates of a STG. The STG suspect is tracked by STG Investigative staff pending validation. Suspects have attained two or more points of validation and would not be officially validated but tracked for intelligence purposes. Source item information must be referred to the STG Investigator for evaluation and recorded on the CDCR Form 128-B3 (11/13), Security Threat Group Identification Score Sheet, which is incorporated by reference.

A direct link, as defined in section 3000, may be established by unilateral action by either party or by the subject's possession of any item connecting the subject to a validated STG affiliate; or for purposes of establishing a direct link, it shall not be necessary for CDCR to demonstrate that the subject had knowledge, actual or implied, of the validated STG affiliate's STG involvement.

CDCR staff shall not place ~~inmates~~inmates/incarcerated persons into a Restricted Housing Unit solely on the basis of their validation status.

Validation of an STG affiliate can occur based upon the sole use of source criteria items or based upon a combination of source criteria items and STG behavior that is reported and adjudicated via the disciplinary process. The STG validation process may take into account source criteria items that may have occurred at any time in an individual's personal STG history. If behavior is identified which violates section 3314 or 3315, it is staff's responsibility to ensure appropriate disciplinary procedures are applied.

Validation Source Criteria is documented on the CDCR Form 128-B3 (11/13), Security Threat Group Identification Score Sheet, which is incorporated by reference. This document is completed by the STG Investigator.

Multiple sources providing information about a single STG related act or conduct shall constitute a single source item. One may support the other but will only count as one item toward the validation with the others listed as support documents.

Staff shall articulate the basis for determining the content or conduct at issue is STG related.

The source items shall be based on the following criteria:

Subsections 3378.2(b)(1) through 3378.2(b)(3) remain unchanged.

(3) Informants (Three Points): Documentation of information evidencing STG affiliation from an informant shall indicate the date of the information, whether the information is confidential or non-confidential, and an evaluation of the informant's reliability. Confidential material shall also meet the requirements established in section 3321. Staff shall articulate how the information specifically relates to the offender's involvement with the STG. The information may be used as a source of validation if the informant provides specific knowledge of how ~~he/she~~ they knew the offender to be involved with the STG. Multiple confidential sources providing information regarding a single STG related incident or behavior shall constitute one (1) source item. Exclusive reliance on hearsay information provided by informants will not be used for validation purposes. Staff shall document and disclose this information to the offender in a written form that would not jeopardize the safety of any person or the security of the institution.

(4) Debrief Reports (Three Points): Only information referencing specific STG related acts or conduct shall be considered as a source item when utilizing information from another offender's debriefing. Confidential material obtained from a debrief report shall also meet the requirements established in section 3321. Multiple sources of information relative to a single STG related act or conduct shall be considered a single source of validation. Exclusive reliance on hearsay information provided by debriefing ~~inmate~~ incarcerated person will not be used for validation purposes. Staff shall document and disclose this information to the offender in a written form that would not jeopardize the safety of any person or the security of the institution.

Subsection 3378.2(b)(5) through 3378.2(c) remain unchanged.

(1) All source criteria items referenced in the validation package shall be disclosed to the offender utilizing a CDCR Form 128-B4 (Rev. ~~10/17~~ 07/24), Evidence Disclosure and Interview Notification, which is incorporated by reference. Staff shall identify which of the source items are being utilized as the direct link on the CDCR Form 128-B4. The identity of the individual being used as a direct link shall be disclosed unless it compromises the individual's safety or the safety of others. The offender shall be given copies of all non-confidential documents unless otherwise requested in writing by the offender. Confidential information used in the validation package shall be disclosed to the offender via a CDCR Form 1030 (Rev. 11/13), Confidential Information Disclosure Form, which is incorporated by reference.

Subsections 3378.2(c)(2) through 3378.2(c)(4) remain unchanged.

(5) The interview shall be documented to include an evaluation and conclusion on each item for which the ~~inmate~~ incarcerated person has provided a rebuttal. The assigned staff shall record this information, via CDCR Form 128-B5 (~~04/21~~ 07/24), Security Threat Group Validation Chrono, which is incorporated by reference. If through the review and interview process, a source item is determined to not have merit, the assigned staff shall document that further investigation shows no merit on the CDCR Form 128-B5. Staff will provide a copy to the subject within 14 calendar days and prior to submission of the validation package to the OCS.

Subsection 3378.2(c)(6) remains unchanged.

(7) The recommendation for validation or rejection of evidence relied upon shall be documented on a CDCR Form 128-B2 (Rev. ~~06/14~~ 07/24), Security Threat Group Validation/Rejection Review, which is incorporated by reference, and be forwarded to the facility or parole region of origin for processing. If the ~~inmate~~ incarcerated person is currently housed in a CDCR institution, the CDCR

Form 128-B2 will be reviewed by the STG Unit Classification Committee. Upon receipt of the CDCR Form 128-B2, the Classification and Parole Representative, or their designee, shall clearly note in some permanent manner upon the face of every document whether or not the item met validation requirements.

(d) STG Unit Classification Committee. The STG Investigator via the assigned counselor shall schedule the offender for appearance before the STG Unit Classification Committee within 30 days of receipt of the CDCR Form 128-B2, in accordance with subsection 3376(d)(5).

An investigative employee shall be assigned by the STG Unit Classification Committee Chairperson to assist the ~~inmate~~incarcerated person with preparation for the STG Unit Classification Committee. The duties and functions of a staff member assigned to assist an ~~inmate~~incarcerated person in the hearing on a validation will be the same as described in section 3344 for Assistance to ~~Inmates~~Incarcerated Persons for Restricted Housing Classification Hearings. In screening prospective witnesses, the investigative employee will do so in accordance with the information to be considered in the classification hearing. The investigative employee is designated to gather information for the STG Unit Classification Committee Chairperson and will submit a written report to the Chairperson which may include witness statements and a summary of the information collected.

The STG Unit Classification Committee shall review the validation package noting the recommendations of OCS and make the final determination on acceptance of the validation package based on the totality of the information.

Subsections 3378.2(d)(1) through 3378.2(d)(1)(B) remain unchanged.

(C) Any applicable Confidential Information Disclosure Forms were issued to the ~~inmate~~incarcerated person and are present in the file.

Subsection 3378.2(d)(1)(D) remains unchanged.

1. Review of compliance with procedural safeguards, i.e. time constraints and assistance to the ~~inmate~~incarcerated person, in accordance with existing policy and regulation.
2. The specific act charged includes an STG nexus and coincides with the description of the circumstances that describes the STG behavior for which the ~~inmate~~incarcerated person was found guilty.

Subsection 3378.2(d)(1)(D)3. through 3378.2(d)(1)(D)5. remain unchanged.

(E) CDCR Form 128-B3 (11/13), Security Threat Group Identification Score Sheet, CDCR Form 128-B4 (~~10/1707/24~~), Evidence Disclosure and Interview Notification, and CDCR 128-B5 with attached ~~Inmate's~~Incarcerated Person's Rebuttal are present in the file.

(F) All validation documents are accurate and complete, all non-confidential/confidential evidence was provided to the ~~inmate~~incarcerated person by the STG investigator at least 72 hours prior to any validation review, determine correct validation designation and status, and appropriately document their decision on an automated Classification Committee Chrono (Rev. 05/19).

Subsections 3378.2(d)(1)(G) through 3378.2(d)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp.

1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida, et al.* (N.D. Cal., No. C94-2847).

Section 3378.4 is amended to read:

3378.4. Security Threat Group Behavior or Activity.

CDCR ~~inmates~~incarcerated persons shall not participate in STG related behavior. The STG Disciplinary Matrix displayed in section 3378.4(a) identifies behavior that could be documented as having a nexus to STGs.

Subsection 3378.4(a) remains unchanged.

STG DISCIPLINARY MATRIX

<i>Behavior With Nexus to STG</i>	<i>Administrative or Serious</i>
Section 1:	
a) Murder, attempted murder, solicitation of murder, or voluntary manslaughter of a non-offender or offender;	Serious
b) Assault or battery capable of causing serious injury; assault or battery with a deadly weapon or caustic substance capable of causing serious injury, solicitation for offense;	
c) Taking a hostage;	
d) Possession of a firearm, explosive device, or weapon which has been manufactured or modified so as to have the obvious intent or capability of inflicting traumatic injury, and which is under the immediate or identifiable control of the offender;	
e) Escape or attempted escape with force or violence	
f) Rape, sodomy, or oral copulation against the victim's will.	
Section 2:	
a) Introduction, trafficking, or distribution of any Controlled Substance (as defined in section 3000);	Serious
b) Arson involving damage to a structure or causing serious bodily injury.	
c) Possession of flammable, explosive, or combustible material with intent to burn any structure or property;	
d) Extortion or threat by means of force or violence, including requiring payment for protection/insurance or intimidating any person on behalf of the STG;	
e) Threatening to kill or cause serious bodily injury to a public official, their immediate family, their staff, or their staff's immediate family;	

f) Any other felony involving violence or injury to a victim and not specifically identified on this chart.	
Section 3:	
a) Battery on a Peace Officer or non-offender not involving use of a weapon;	Serious
b) Assault on a Peace Officer or non-offender by any means likely or not likely to cause great bodily injury;	
c) Assault or battery on a prisoner <u>incarcerated person</u> with no serious injury;	
d) Destruction of state property valued in excess of \$400 dollars during a riot or disturbance;	
e) Theft, embezzlement, arson, destruction, or damage to another's personal property, state funds, or state property valued in excess of \$400;	
f) Any felony not involving violence or the use of a weapon not listed in this schedule with a direct nexus to STG Behavior.	
Section 4:	
a) Bribery of a non-offender;	Serious
b) Leading/Inciting a disturbance, riot, or strike;	
c) Participation in, or attempting to cause conditions likely to threaten institution security;	
d) Willfully resisting, delaying, or obstructing any peace officer in the performance of duties;	
e) Possession of cell phone or components;	
f) Acting in a leadership role displaying behavior to organize and control other offenders within the STG;	
Section 5:	
a) Gambling;	Serious
b) Tagging, or otherwise defacing state property valued at less than \$950, with symbols or slogans intended to promote affiliation with a STG.	
Section 6:	
a) STG-related tattoos and/or body markings (new since most recent arrival in CDCR and not previously documented);	Serious
b) Recording/documentation of conversations evidencing STG behavior;	
c) Harassment of another person, group or entity either directly or indirectly through the use of the mail, telephone, or other means;	

d) Communications between offenders/others evidencing STG behavior;	
e) Leading STG roll call;	
f) Directing cadence for STG group exercise;	
g) In personal possession of STG-related written material, including membership or enemy list, roll call lists, constitution, organizational structures, codes, training material, etc.;	
h) In personal possession of mail, notes, greeting cards or other communication (electronic or non-electronic) which include coded or explicit messages evidencing STG behavior;	
Section 7:	
Except as otherwise specified in this section, proven attempts to commit or an offender who conspires to commit any of the above listed offenses shall receive the term range specified for that offense.	Serious
Section 8:	
a) Participation in STG roll call;	Administrative
b) Participating in STG group exercise;	
c) Using hand signs, gestures, handshakes, slogans, distinctive clothing, graffiti which specifically relate to an STG;	
d) Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, certified symbols, signs, or other STG items which promote affiliation in a STG;	
e) In possession of artwork, mail, notes, greeting cards, letters or other STG items clearly depicting certified STG symbols;	
f) In possession of photographs that depict STG association. Must include STG connotations such as insignia, certified symbols, or other validated STG affiliates.	
g) In possession of contact information (i.e., addresses, telephone numbers, etc.) for validated STG affiliates or individuals who have been confirmed to have assisted the STG in illicit behavior.	

Subsection 3378.4(a)(1) remains unchanged.

(A) Review of compliance with procedural safeguards, i.e., time constraints and assistance to the ~~inmate~~incarcerated person, in accordance with existing policy and regulations.

(B) The specific act charged includes an STG nexus and coincides with the description of the circumstances that describes the STG behavior for which the ~~inmate~~incarcerated person was found guilty.

Subsections 3378.4(a)(1)(C) through 3378.4(a)(2) remain unchanged.

(3) If an ~~inmate~~incarcerated person is found guilty of committing a RHU eligible offense while assigned to the RCGP, they shall complete the intervening Determinate RHU term as imposed by the ICC before returning to the RCGP.

(b) If an STG nexus is identified for an offense after the disciplinary process has been completed, for a RHU eligible offense, as listed in section 3337(g); this information will be referred to the STG Lieutenant, who will document the information and forward to the hiring authority or designee where the ~~inmate~~incarcerated person is currently housed. The hiring authority shall refer this to the Chief Disciplinary Officer (CDO) to review the information/evidence and determine if the original RVR should be reissued/reheard based upon this new STG related information/evidence which was not available or reasonably discoverable at the time of the original disciplinary action. The CDO may consider the following options:

(1) If the ~~inmate's~~incarcerated person's RHU MRD has been commuted for the original disciplinary offense; then no further disciplinary action would be warranted.

(2) If the ~~inmate~~incarcerated person is serving the unexpired RHU MRD for the original disciplinary offense, the CDO may order the RVR reissued/reheard, to include the STG nexus.

(3) If an ICC has suspended any portion of the RHU term for the original disciplinary offense, no further disciplinary action would be warranted.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida*, et al. (N.D. Cal., No. C94-2847).

Section 3378.5 is amended to read:

3378.5. Debriefing Process.

Debriefing is the process by which a STG coordinator/investigator determines whether an offender (subject) has dropped out of a STG. A subject shall be debriefed only upon ~~his or her~~ their request, although staff may ask a subject if ~~he or she~~ they wants to debrief. The Debrief Process may include a two-step process that consists of an interview phase (Phase I) and an observation phase (Phase II).

(a) CDCR has established a Debrief Processing Unit (DPU) to house ~~inmates~~incarcerated persons who are assigned to Phase I of the Debrief Process. A DPU may be established at any institution or facility the Department deems appropriate. An evaluation of the need for the observation phase will be based upon individual case factors including the STG affiliate's housing prior to beginning the debrief process. The observation phase of the Debrief Process shall begin when the ~~inmate's~~incarcerated person's autobiography is accepted and ICC changes his status to Post-Debrief Intake Panel (DIP). Time served in the observation phase may overlap with time spent in the interview phase. Time spent in the observation phase should be up to six months, as long as the ~~inmate~~incarcerated person is actively participating in assigned program activities.

Subsection 3378.5(b) remains unchanged.

(c) ~~Inmates~~Incarcerated persons undergoing the debrief process may be subject to a period of observation (Phase II) with other ~~inmates~~incarcerated persons who are also undergoing the debrief process. The period of observation shall be up to 6 months in duration and may occur in the DPU or the Transitional Housing Unit (THU).

(d) Upon completion of the debrief process, the inmate incarcerated person shall be housed in a facility commensurate with the inmate's incarcerated person's safety needs, placement score and other case factors.

Subsection 3378.5(e) remains unchanged.

(f) Inmates Incarcerated persons will be afforded expanded program opportunities as they progress through the DPU. Detailed information about the operation of the DPU is located in section 3378.7.

Upon receipt of notification of an inmate's incarcerated person's intent to disassociate from an STG, the institutional STG investigator shall ensure the inmate incarcerated person has been placed in appropriate housing to address the inmate's incarcerated person's safety in accordance with sections 3335 through 3336, 3340 and 3342.

The STG investigator shall contact the validated inmate incarcerated person within five business days of receipt of the notification to conduct an Initial Debrief Intake Interview.

The Initial Debrief Intake Interview document must be finalized and available at the initial ICC. During the initial ICC, the inmate incarcerated person will be notified of ICC's actions and will be referred for transfer to the DPU in accordance with section 3378.7(b). Exceptions to transfer by ICC will be for:

(1) inmates Incarcerated persons serving an active Determinate RHU term. In this instance, the debrief process will continue at the respective RHU institution and upon resolution of the Determinate RHU term, the inmate incarcerated person will be considered for transfer to a facility commensurate with his current programming needs, to include the DPU for Phase I or THU for Phase II.

(2) inmates Incarcerated persons awaiting appearance before the Board of Parole Hearings (BPH), shall be retained at the local institution until completion of the BPH process in advance of a transfer to the DPU for Phase I or THU for Phase II in accordance with section 3379(a)(3).

(3) inmates Incarcerated persons who have a disciplinary case pending review/acceptance by the District Attorney shall be retained locally until completion of any projected/active RHU MRD, in advance of a transfer to the DPU. Thereafter, the respective Wardens will coordinate subsequent transfer needs to address required court hearing(s).

(4) Subsequent to ICC, the STG investigator will issue the autobiography instructions to the inmate incarcerated person, who will have 30 days to complete and submit the autobiography. If the inmate incarcerated person meets one of the transfer exceptions, he is still expected to complete the autobiography within 30 days. The STG lieutenant, at the inmate's incarcerated person's assigned institution, will collect the autobiography and forward it to the Office of Correctional Safety (OCS), Gang Intelligence Operations (GIO) Lieutenant for processing.

(g) Upon an inmate's incarcerated person's arrival at the DPU, an OCS investigator shall meet with the inmate incarcerated person and collect the completed autobiography. If extenuating circumstances have prevented the inmate incarcerated person from completing the autobiography, the inmate incarcerated person may be issued an extension to complete their autobiography at the discretion of the OCS GIO Senior Special Agent. If the extension extends beyond 45 days (from the original date of assignment), the case shall be scheduled for a case conference to include the Captain, responsible for DPU, and the Senior Special Agent, Special Services Unit (SSU), OCS.

(1) If the ~~inmate~~incarcerated person fails/refuses to complete the debrief process, the ~~inmate~~incarcerated person shall be placed (or retained) in the RHU for review of potential safety concerns. The ~~inmate~~incarcerated person will be scheduled for appearance before ICC to further assess their status to include evaluation of Work Group/Privilege Group and a determination of appropriate housing. Appropriate housing may include return to General Population housing or referral to the DRB.

(h) The completed autobiography, including those received from ~~inmates~~incarcerated persons who are not currently housed at DPU, will be presented by OCS staff to the DIP. The DIP is a committee comprised of DAI and OCS representatives who have a primary role to evaluate debrief cases and delegate case responsibilities based upon the complexities of each case. The DIP is comprised of four members including one SSU Senior Special Agent, one representative from DAI at the level of Correctional Administrator, and two OCS GIO Lieutenants. A quorum will exist with the SSU Senior Special Agent, DAI representative, and one OCS GIO Lieutenant.

(1) Upon completion of each review, the DIP will determine one of two debrief categories and document the acceptance of the autobiography and the category chosen on a CDCR Form 128-B. The DIP will base their decision on the totality of case factors evidencing the ~~inmate's~~incarcerated person's status and behavior within the STG. The categories are defined as follows:

(A) Category 1 (Complex): Debriefs to be completed by the OCS GIO. Debriefs assigned to Category 1 will typically be ~~inmates~~incarcerated persons who have held a high ranking position within the STG; who have committed or participated in serious criminal activities, Division A and B offenses as listed in the current disciplinary matrix in the furtherance of the STG; and/or have had an extensive history with the STG. All debrief reports assigned to OCS GIO investigators will normally be completed within 90 business days of assignment.

Subsection 3378.5(h)(1)(B) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; and *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800.

Section 3378.6 is amended to read:

3378.6. Review and Action Following Receipt of Debrief Reports.

Introductory language remains unchanged.

(a) STG investigative staff will review the report to identify ~~inmates~~incarcerated persons (other than the debriefing ~~inmate~~incarcerated person) who are addressed in the report and currently housed at the institution.

Subsections 3378.6(a)(1) through 3378.6(a)(2) remain unchanged.

(3) The disciplinary process will proceed as outlined in Sections 3310 through 3326, ~~inmates~~Incarcerated Persons Discipline.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; and *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800.

Section 3378.7 is amended to read:

3378.7. Debrief Processing Unit.

CDCR has established a DPU to house ~~inmates~~incarcerated persons who are assigned to Phase I and Phase II of the debrief process. A DPU may be established at any institution or facility the Department deems appropriate. The DPU shall provide a safe housing location for those ~~inmates~~incarcerated persons who have decided to disassociate from a STG. Placement within the DPU is in accordance with section 3378.5. ~~Inmates~~Incarcerated persons will be afforded expanded program opportunities as they progress through the DPU.

Subsection 3378.7(a) remains unchanged.

- (1) The ~~inmate~~incarcerated person must be validated.
 - (2) The ~~inmate~~incarcerated person must have completed the Initial Debrief Intake Interview.
 - (3) The ~~inmate~~incarcerated person must not be serving an active RHU MRD.
 - (4) The ~~inmate~~incarcerated person does not have a BPH scheduled, in accordance with section 3379(a)(3).
 - (5) The ~~inmate~~incarcerated person does not have a disciplinary case pending review/acceptance by the District Attorney.
- (b) Transfer to the DPU will be accomplished through the Strategic Offender Management System (SOMS) Non-Committee Endorsement process.
- (c) When housing within the DPU has been determined by ICC, but medical, mental health, mobility or other case factors preclude the ~~inmate~~incarcerated person from being transferred to the DPU, a conference call should be initiated to provide institutional staff with guidance concerning placement issues and privileges utilizing the case conference process with Classification Services Unit, Healthcare Placement Oversight Program (HCPOP), and the Division of Adult Institutions (DAI) Associate Director. This case conference shall be documented in the automated Classification Committee Chrono (Rev. 05/19), which is incorporated by reference. It is recognized that at times the ~~inmate's~~incarcerated person's overriding need for access to specific medical or mental health facilities will take priority over his housing in the DPU. These ~~inmates~~incarcerated persons should receive all privileges identified within this section, unless the privilege will create a significant security concern. If the hiring authority determines that the DPU privileges will be denied based on security concerns, the hiring authority shall contact the DAI Associate Director to obtain approval before denying the privileges.
- (d) ~~Inmates~~Incarcerated persons who have been received at the DPU, but who have not had their autobiography reviewed and accepted by the DIP shall be referred to as Pre-DIP and ~~inmates~~incarcerated persons who have had their autobiographies reviewed and accepted by the DIP shall be referred to as Post-DIP. Pre-DIP ~~inmates~~incarcerated persons shall normally be housed separately from Post-DIP ~~inmates~~incarcerated persons.
- (e) Phase 1: Pre-DIP status.
- (1) ~~Inmates~~Incarcerated persons transferred for Phase I housing shall be assigned Pre-DIP status and Maximum custody until their autobiography has been reviewed and accepted by the DIP.

(2) All ~~inmates~~incarcerated persons participating in Phase I will be seen by ICC within 10 calendar days. Pre-DIP ~~inmates~~incarcerated persons will be scheduled for appearance before ICC, who will establish or affirm the ~~inmate's~~incarcerated person's work group and privilege group (WG/PG) consistent with NDRH status unless the ~~inmate~~incarcerated person was transferred from the RCGP. If the ~~inmate~~incarcerated person is transferred to the DPU from the RCGP, he will retain his current WG/PG.

(3) ~~Inmates~~Incarcerated persons will have access to yard and will be identified as Walk Alone. Yard will be a minimum of 10 hours per week.

(4) ~~Inmates~~Incarcerated persons will be authorized to participate in non-contact visiting only.

(A) Non-contact visits are to be scheduled no less frequently than those afforded to ~~inmates~~incarcerated persons in restricted housing.

(B) ~~Inmates~~Incarcerated persons will be allowed to participate in family visiting, in accordance with section 3177.

(5) Pre-DIP ~~inmates~~incarcerated persons are subject to application of mechanical restraints in accordance with section 3268.2.

(6) Pre-DIP ~~inmates~~incarcerated persons may participate in self-betterment programs and in-cell education.

Subsection 3378.7(f) remains unchanged.

(1) Upon acceptance of the autobiography by the DIP, the ~~inmate~~incarcerated person will be scheduled for appearance before ICC within 10 days for movement/endorsement into the Post-DIP congregate housing program. During the ICC hearing, the committee will assign WG/PG and yard group.

Acceptance of the autobiography by the DIP recognizes that the ~~inmate~~incarcerated person has demonstrated a significant level of sincerity in their desire to debrief, as well as establishes a foundation that their personal safety may be compromised if returned to a general population setting.

Acceptance of the autobiography by the DIP and ICC changing the ~~inmate's~~incarcerated person's status to Post-DIP will initiate the observation phase of the debrief process allowing for observation of the ~~inmate~~incarcerated person while he is actively programming. Time spent as Post-DIP where the ~~inmate~~incarcerated person is actively participating in assigned program activities shall be counted toward the observation phase of the debrief process.

Subsection 3378.7(f)(1)(A) remains unchanged.

1. An ~~inmate~~incarcerated person who was transferred to the DPU from restricted housing shall have his WG reverted to the WG assigned prior to placement in restricted housing.

2. An ~~inmate~~incarcerated person who was previously housed in the RCGP due to safety concerns, shall have his WG reverted consistent with the WG assigned while housed in the RCGP.

Subsection 3378.7(f)(1)(B) remains unchanged.

1. An ~~inmate~~incarcerated person who was transferred to the DPU from restricted housing shall have his PG reverted to the PG assigned prior to placement in restricted housing.

2. An inmate incarcerated person who was previously housed in the RCGP due to safety concerns shall have his PG reverted consistent with the PG assigned while housed in the RCGP.

(C) Once the inmate incarcerated person is endorsed as Post-DIP, he shall be considered for double cell housing in accordance with section 3269, as double cell housing is a required part of the Debrief Process unless precluded by ICC.

(D) A minimum of 10 hours of yard exercise per week will be provided pursuant to subsection 3348(i), incorporating yard interaction in a group yard setting with inmates incarcerated persons of diverse affiliations. ICC will assign the inmate incarcerated person to the appropriate yard group.

(E) Post-DIP inmates incarcerated persons will be authorized to participate in both contact and non-contact visiting during other than assigned program hours.

1. Non-contact visits are to be scheduled no less frequently than those afforded to inmates incarcerated persons in restricted housing.

2. Post-DIP inmates incarcerated persons will be allowed contact visits which shall be limited to approved visitors, who have been pre-approved in accordance with the existing visiting regulations.

3. Inmates incarcerated persons will be allowed to participate in family visiting, in accordance with section 3177.

Subsection 3378.7(f)(1)(F) remains unchanged.

(g) If the DPU inmate incarcerated person is found guilty of STG related behavior, identified in section 3378.4(a) STG Disciplinary Matrix, ICC shall determine the inmate's incarcerated person's housing and program needs. ICC maintains discretion in evaluating an inmate's incarcerated person's overall disciplinary record and case factors in determining continued management within the DPU or other appropriate housing, which may include referral to the DRB.

Subsection 3378.7(h) remains unchanged.

(i) When housing within the DPU has been determined appropriate by ICC, but medical, mental health, mobility or other case factors preclude the inmate incarcerated person from being transferred to the DPU, the inmate incarcerated person should be allowed to complete the Debrief process at an alternate location. Specific components of the process including the autobiography being submitted to the DIP for acceptance; the assignment of an investigator to complete the Debrief Report; the Debrief Report being approved by OCS; and a CDCR Form 128-B2, (Rev. 6/1407/24) Security Threat Group Validation/Rejection Review, being issued for validation as a “drop out”, are required and must be completed prior to the inmate incarcerated person being released to appropriate housing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3378.8 is amended to read:

3378.8. Transitional Housing Unit.

The Transitional Housing Unit (THU) shall provide a continued program of observation to evaluate that an inmate incarcerated person has successfully disassociated from STG behavior and is capable of programming in a general population (GP) setting. Placement into the THU can be from either

a Security Housing Unit, Debrief Processing Unit (DPU), or from GP. THU ~~inmates~~incarcerated persons shall be housed separately from other GP ~~inmates~~incarcerated persons due to potential safety concerns.

(a) The debrief process is designed to review, monitor and evaluate each individual and ensure that the ~~inmate~~incarcerated person participating in the debrief process is not a threat to staff or other ~~inmates~~incarcerated persons, and has sincerely renounced all STG related activities. A period of observation is included in the debrief process to ensure that an ~~inmate~~incarcerated person will be able to program in a GP setting with ~~inmates~~incarcerated persons of diverse backgrounds, as well as other disassociated STG members/associates. STG affiliates housed in general population or similar specialized housing prior to beginning the debrief process may bypass placement in the Transitional Housing Unit, as authorized by ICC. Female offenders who complete the interview phase of the debrief process, shall complete the observation phase in a general population institution. The minimum eligible criteria to be placed into the THU shall consist of:

Subsection 3378.8(a)(1) remains unchanged.

(2) The ~~inmate~~incarcerated person must be willing to commit to personal change, pursuant to section 3378.5.

(b) The observation phase of the debrief process shall be up to 6 months in duration consisting of components to include, but not be limited to, conflict resolution, anger control, substance abuse education, communication skills, individual counseling, educational skills, and group exercises. ~~Inmates~~Incarcerated persons will be evaluated by the instructors throughout the program based on participation, behavior, and review of completed assignments. An ~~inmate~~incarcerated person must be actively participating in the assigned program activities for the time to be counted toward completion of the observation phase.

(c) Upon arrival at the designated THU institution, THU ~~inmates~~incarcerated persons shall be housed in a THU orientation section for a period not to exceed 14 days. The ~~inmate's~~incarcerated person's placement in THU shall be reviewed by a classification committee for affirmation of the ~~inmate's~~incarcerated person's endorsement and consideration of appropriate housing. ~~Inmates~~Incarcerated persons shall be advised of program/behavioral expectations, and the requirement that they must attend and actively participate in all assignments and activities.

(1) During the orientation period, ~~inmate's~~incarcerated person's program activities will be primarily limited to housing unit activities.

(2) ~~Inmates~~Incarcerated persons shall be advised that participation in all assignments and activities is mandatory, and STG related behavior will not be tolerated. Any disciplinary behavior for which the ~~inmate~~incarcerated person is found to be accountable through the disciplinary process, shall result in referral to the Institution Classification Committee for program review as described by section 3378.7.

(d) Upon completion of the orientation period, participants shall be placed in the THU GP portion of the program for approximately 5 months and 2 weeks. ~~Inmates~~Incarcerated persons will be assigned work group/privilege group A-1.

(1) ~~Inmates~~Incarcerated persons shall be considered for double cell housing in accordance with section 3269.

(2) ~~Inmates~~Incarcerated persons must participate in one or more of the offered self help activities, and any assigned work or educational programs.

(3) ~~Inmates~~Incarcerated persons shall be allowed special purchases, canteen draw, and allowed to attend religious services when offered within the THU area.

(4) ~~Inmates~~Incarcerated persons shall be eligible for work assignments as THU mentors to other THU ~~inmates~~incarcerated persons, THU housing unit porters, or THU clerks.

(e) Upon satisfactory completion of the THU program, ~~inmates~~incarcerated persons shall be referred to a classification committee for transfer consideration. ~~Inmates~~Incarcerated persons failing to satisfactorily complete the THU program shall be referred to classification committee for determination of future program and housing needs or possible referral to DRB.

(f) When housing within the THU has been determined by ICC, but medical, mental health, mobility or other case factors preclude the ~~inmate~~incarcerated person from being transferred to the THU, a conference call should be initiated to provide institutional staff with guidance concerning placement issues and privileges utilizing the case conference process with Classification Services Unit, HCPOP, and the DAI Associate Director. This case conference shall be documented in the CDCR Form 128-G, Classification Chrono (Rev. 10/89). It is recognized that at times the ~~inmate's~~incarcerated person's overriding need for access to specific medical or mental health facilities will take priority over his housing in the THU. These ~~inmates~~incarcerated persons should receive all privileges identified within this section, unless the privilege will create a significant security concern. If the hiring authority determines that the THU privileges will be denied based on security concerns, the hiring authority shall contact the DAI Associate Director to obtain approval before denying the privileges.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3378.9 is amended to read:

3378.9. Restricted Custody General Population.

The Restricted Custody General Population (RCGP) may be established at any institution or facility the Department deems appropriate and will provide a general population housing alternative for ~~inmates~~incarcerated persons who have a substantial threat to their personal safety should they be released to the general population and are deemed appropriately housed, based upon a preponderance of evidence, by the Departmental Review Board (DRB).

(a) Programming for those ~~inmates~~incarcerated persons housed in the RCGP shall be comprised of a least 20 hours of out-of-cell time per week unless safety and security considerations preclude such activity. These programs provide increased opportunities for positive social interaction with other ~~prisoners~~incarcerated persons and staff, including but not limited to: Alternative Education Program and/or small group education opportunities; yard (minimum of 10 hours per week) in small group yards as determined by ICC; access to religious services, support services job assignments and leisure time activity groups; access to GED, high school, and college level educational programs, with adequate academic support, and electrical appliances commensurate with the Authorized Personal Property Scheduled for the designated level of the facility and individual or small group yards as determined by ICC, which shall be a minimum of ten (10) hours a week.

(b) All RCGP ~~inmates~~incarcerated persons will be scheduled for appearance before the Institutional Classification Committee (ICC) every 180 days in accordance with section 3376. For ~~inmates~~incarcerated persons with safety concerns, ICC shall verify whether there continues to be a demonstrated threat to the ~~inmate's~~incarcerated person's personal safety; and if such threat no longer exists the case shall be referred to the DRB for determination of appropriate housing. If such threat continues, the ICC shall refer the case to the DRB every two years from the initial placement date, unless the ICC referred the case during a 180-day review and the DRB has rehoused the ~~inmate~~incarcerated person to general population housing.

(c) All ~~inmates~~incarcerated persons participating in the RCGP will be placed on orientation status commensurate with the general population for a period of no more than 14 calendar days.

(d) Application of restraint equipment for all RCGP ~~inmates~~incarcerated persons shall be in accordance with section 3268.2.

(e) ~~Inmates~~Incarcerated persons assigned to the RCGP for safety needs shall be addressed as follows:

Subsection 3378.9(e)(1) remains unchanged.

(2) The ~~inmate~~incarcerated person shall be assigned a PG in accordance with section 3044(c). Privileges shall include:

(A) RCGP ~~inmates~~incarcerated persons will be authorized to participate in both contact and non-contact visiting during other than assigned work/program hours.

1. The ~~inmate~~incarcerated person shall be allowed a minimum of one contact visit every 60 days unless the ~~inmate~~incarcerated person incurs a disciplinary violation for which the loss of privileges imposes a restriction on visiting.

2. ~~Inmates~~Incarcerated persons will be allowed contact visits which shall be limited to approved visitors, who have been pre-approved in accordance with the existing visiting regulations.

(B) ~~Inmates~~Incarcerated persons will be allowed to participate in family visiting, in accordance with section 3177.

(C) Personal Property in accordance with the Authorized Personal Property Schedule for Level IV general population ~~inmates~~incarcerated persons.

Subsection 3378.9(e)(2)(D) remains unchanged.

(3) Upon a guilty finding in a disciplinary hearing, the disposition may or when mandated include assessment of one or more penalties in accordance with sections 3314 or 3315. RCGP ~~inmates~~incarcerated persons who receive a disciplinary violation which results in a loss of privileges, including restricted visiting, shall comply with the restrictions imposed in accordance with that loss of privileges.

(f) When housing within the RCGP has been determined by ICC, but medical, mental health, mobility or other case factors preclude the ~~inmate~~incarcerated person from being transferred to the RCGP, a conference call should be initiated to provide institutional staff with guidance concerning placement issues and privileges utilizing the case conference process with Classification Services Unit, HCPOP, and the DAI Associate Director. This case conference shall be documented in the automated Classification Committee_Chrono (Rev. 05/19), which is incorporated by reference. It is recognized that at times the ~~inmate's~~incarcerated person's overriding need for access to specific

medical or mental health facilities will take priority over his housing in the RCGP. These ~~inmates~~incarcerated persons should receive all privileges identified within this section, unless the privilege will create a significant security concern. If the hiring authority determines that the RCGP privileges will be denied based on security concerns, the hiring authority shall contact the DAI Associate Director to obtain approval before denying the privileges.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3378.10 is amended to read:

3378.10. Termination of Security Threat Group (STG) Validation Status.

Subsections 3378.10(a) through 3378.10(a)(1)(B) remain unchanged.

(C) Dropout status ~~inmates~~incarcerated persons: the date of the CDCR Form 128-B2 (Rev. ~~06/14/07~~24) Security Threat Group Validation/Rejection Review, which is incorporated by reference, changing their status to “Dropout”.

Subsection 3378.10(a)(2) remains unchanged.

(3) Termination of the STG Validation Status will be evaluated during the next regularly scheduled Annual Review. The assigned counselor will review central file and notify the STG Investigator that the ~~inmate~~incarcerated person is being scheduled for consideration of terminating the STG Validation status. If eligible, the ~~inmate~~incarcerated person shall be referred to ICC for assessment and determination of terminating the STG status.

(4) Upon ICC terminating an ~~inmate's~~incarcerated person's validation status, the institution shall submit a copy of the automated Classification Committee Chrono (Rev. 05/19), which is incorporated by reference, to the Office of Correctional Safety (OCS), who shall generate an updated CDCR Form 128-B2 (Rev. ~~06/14/07~~24), Security Threat Group Validation/Rejection Review, which is incorporated by reference, reflecting “Terminated”. The original CDCR Form 128-B2 shall be returned to the institution. Review by the STG Unit Classification Committee will not be required to review/approve this document.

(5) ~~Inmates~~Incarcerated persons who have had their STG status terminated shall be eligible to participate in any recognized housing/programs consistent with other general population ~~inmates~~incarcerated persons with similar case factors. If additional STG related behavior is subsequently discovered, a new validation package shall be required to change the ~~inmate's~~incarcerated person's STG status.

Subsections 3378.10(b) through 3378.10(b)(1)(B) remain unchanged.

(C) Dropout status ~~inmates~~incarcerated persons: the date of the CDCR Form 128-B2 changing their status to “Dropout”.

Subsection 3378.10(b)(2) remains unchanged.

(3) Termination of the STG Validation Status will be evaluated during the next regularly scheduled Annual Review. The assigned counselor will review central file and notify the STG Investigator that the ~~inmate~~incarcerated person is being scheduled for consideration of terminating the STG Validation status. If eligible, the ~~inmate~~incarcerated person shall be referred to ICC for assessment and determination of terminating the STG status.

(4) Upon ICC terminating an ~~inmate's~~incarcerated person's validation status, the institution shall submit a copy of the automated Classification Committee Chrono (Rev. 05/19) to OCS, who shall generate an updated CDCR Form 128-B2 reflecting "Terminated". The original CDCR Form 128-B2 shall be returned to the institution. Review by the STG Unit Classification Committee will not be required to review/approve this document.

(5) ~~Inmates~~Incarcerated persons, who have had their STG status terminated, shall be eligible to participate in any recognized housing/programs consistent with other general population ~~inmates~~incarcerated persons with similar case factors. If additional STG related behavior is subsequently discovered, a new validation package shall be required to change the ~~inmate's~~incarcerated person's STG status.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

Section 3379 is amended to read:

3379. InmateIncarcerated Person Transfers.

(a) Transfer requirements.

(1) Unless exempted within this subsection, any ~~inmate~~incarcerated person transfer shall require a classification committee action and endorsement by a classification staff representative (CSR) or expedited transfer approval by the Chief of the Population Management Unit. A classification committee action and CSR endorsement is not required in the cases of illegal aliens transferring for the purpose of deportation proceedings and expedited transfers warranted under emergent circumstances, including but not limited to ~~inmate~~incarcerated person medical or mental health needs and transfers from one restricted housing unit to a similar restricted housing unit. Additionally, a classification committee action is not required for an ~~inmate~~incarcerated person transfer from a reception center.

(2) An ~~inmate~~incarcerated person for whom a recall of commitment report under provisions of Penal Code Section 1170(d) is required, shall not be transferred, unless for emergency medical treatment, until the report is completed. Reception center process cases shall be excluded from this provision.

(3) Except in emergencies or for special housing, ~~inmates~~incarcerated persons shall not be transferred within 90 days of their release date, or within 90 days of a Board of Parole Hearings (BPH) appearance. If a case requires transfer within the 90-day period, the appropriate BPH report shall be completed by the sending institution prior to the transfer.

(4) A warden or superintendent may temporarily suspend a scheduled ~~inmate~~incarcerated person transfer. Such suspension shall constitute a classification action and be recorded on a chrono as provided by section 3375(a)(2) of these regulations, including the reason for the action and a recommendation for an alternative program assignment.

(5) If an ~~inmate~~incarcerated person has not transferred within 90 days of CSR endorsement, the sending institution shall report that fact to the Chief, Population Management Unit, who shall prioritize the transfer based on bed availability or present the case to the next CSR for alternative action.

(6) Transfer to another state. Transfer of a California prison ~~inmate~~incarcerated person to an out-of-state prison facility shall not occur prior to the ~~inmate~~incarcerated person signing a CDC Form 294, Interstate Compact Placement Agreement, witnessed by the institution head or delegate.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INTERSTATE COMPACT PLACEMENT AGREEMENT

I, _____, of my own free will and accord do hereby agree to accept transfer from an institution of the California Department of Corrections to an institution of the State of _____.

I am aware that prior to the scheduled transfer I may revoke my consent to transfer. (CCR 3379) I am aware that I may be entitled to revoke my consent and transfer to an institution within California at any time more than five (5) years after transfer. In such case, the transfer shall occur within the next 30 days.

I am aware of my right to private consultation with an attorney of my choice concerning my rights and obligations under California Penal Code Section 11191 prior to consenting to such a transfer.

I have exercised that right: Yes _____, No _____.

I waive my right to consultation with an attorney: Yes _____, No _____.

I understand that I am expected to remain in an institution within the state to which I am transferred until my release unless I am returned to California by the California Department of Corrections.

I understand that security, treatment, training and care for me will be in keeping with the standards for such programs as administered in California. I understand that my hearings for parole consideration and determination of sentence will be conducted on the same basis as if I were in a California institution.

Witness	Inmate's Signature
	CDC Number
Distribution:	
Inmate's Central File	
Transporting Officer (For the receiving institution)	

(7) Transfer to a federal prison. Transfer of a California prison ~~inmate~~incarcerated person to a federal prison facility shall not occur until:

(A) The ~~inmate~~incarcerated person has been informed of the right to private consultation with an attorney their choice concerning rights and obligations pursuant to Penal Code section 2911.

(B) The warden or superintendent or delegate has witnessed the inmate's incarcerated person's signing of a Federal Prison System Placement Agreement consent form and an acknowledgement of having been informed regarding rights and obligations.

(8) An inmate incarcerated person may, prior to scheduled transfer, revoke their consent to transfer to out-of-state or federal prison.

(b) Placement in level. An inmate incarcerated person endorsed for any level placement and transferred to an institution with several levels shall be placed in the endorsed level facility within 60 days of arrival or shall be referred to the next scheduled CSR for alternative action. A warden or superintendent may temporarily place an inmate incarcerated person in a facility of an institution for which the inmate incarcerated person has not otherwise been endorsed. Such placement shall not exceed 30 days without CSR review and approval. Reasons for such placement may include protection or medical needs of the inmate incarcerated person, an incompletd investigation, disciplinary action, court proceedings, or a pending transfer.

STATE OF CALIFORNIA	DEPARTMENT OF CORRECTIONS
CDC 802 (REV 7/88)	

FEDERAL PRISON SYSTEM PLACEMENT AGREEMENT

	DATE:
I, _____, of my own free will and accord do hereby agree to accept transfer from an institution of the California Department of Corrections to an institution of the Federal Prison System.	
I am aware of my right to private consultation with an attorney of my choice concerning my rights and obligations under California Penal Code Section 2911 prior to consenting to such a transfer.	
I have exercised that right: Yes _____, No _____.	
I waive my right to consultation with an attorney: Yes _____, No _____.	
I am aware that prior to the scheduled transfer I may revoke my consent to transfer. (CCR 3379)	
I understand that I am expected to remain in an institution of the Federal Prison until discharged or paroled unless I am returned to California by the Department of Corrections.	
I understand that the security, treatment, training and care for me will be in keeping with the standards for such programs as administered in California by the Department of Corrections.	
I understand that my hearings for parole consideration and determination of sentence will be conducted on the same basis as if I were in a California institution.	
Witness	Inmate's Signature
	CDC Number
Distribution:	

Inmate's Central File	
Transporting Officer (For the receiving institution)	

(c) Disciplinary and security factors. Prior to transfer of an inmate incarcerated person, the sending institution shall resolve any matters related to incomplete disciplinary punishment or establishment of a determinate period to be served in a RHU at the receiving facility. Disciplinary detention shall be completed, suspended, or commuted to time served. If a transfer related to misbehavior does not require RHU placement but the inmate incarcerated person is transferred to an institution of higher level than indicated by the inmate's incarcerated person's classification score, the endorsing CSR shall establish a date for follow-up review by the receiving institution.

Subsection 3379(d) remains unchanged.

(1) The sending institution shall, prior to any medical or psychiatric transfer, determine whether the inmate incarcerated person has enemies or might be in danger at the receiving facility, and shall:

(A) Inform staff of the receiving facility by telephone prior to the transfer regarding any precautions needed to protect the inmate incarcerated person.

(B) Make an alternate institutional transfer arrangement which will not jeopardize the inmate incarcerated person.

(2) An inmate incarcerated person transferred to CMF for psychiatric treatment because of acute mental illness requiring inpatient psychiatric hospitalization or because of the recency of a major mental illness or when in partial remission of such illness, is entitled to a hearing regarding the necessity for transfer. Upon arrival at CMF, such inmate incarcerated person shall be served with the CDCR Form 1011 (Rev. 07/8807/24), Notice of Transfer to California Medical Facility for Mental Health Treatment, which is incorporated by reference, and shall explain the inmate's incarcerated person's rights. The inmate incarcerated person may sign the notice waiving his right to a hearing or if opposed to the transfer, may request a hearing.

(3) The hearing shall be held within seven days from arrival at CMF. If the hearing cannot be held within seven days, the inmate incarcerated person shall be informed in writing of that fact, the reason for the delay, and of an estimated date he may expect the hearing. The hearing shall consist of a classification committee review of the case and shall include the following:

(A) Determination that the inmate incarcerated person has received written notice of the transfer to CMF stating that the inmate incarcerated person has a right to a hearing and that such hearings are normally held within seven days after arrival at CMF.

(B) The information relied upon in ordering the transfer to CMF shall be disclosed to the inmate incarcerated person. The inmate incarcerated person shall be heard in person and be permitted to present evidence, including witnesses, in his behalf.

(C) One member of the classification committee shall be a psychiatrist employed by the Department of Corrections and Rehabilitation. This person shall be an independent decision maker and shall not be the inmate's incarcerated person's treating psychiatrist at either the sending or receiving institution.

(D) Following the hearing, the independent decision maker shall inform the ~~inmate~~incarcerated person in writing of the committee's decision and the information relied upon in arriving at the decision.

(E) The ~~inmate~~incarcerated person may appeal the decision. A ruling on such appeal shall be returned within 20 working days.

(4) Periodic clinical progress reports on a CDC Form 128-C shall be made at least quarterly. A summary CDC Form 128-C report, classification action and CSR endorsement are required when an ~~inmate's~~incarcerated person's program category is changed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2911, 5025, 5054, 5068, 5080 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Armstrong v. Schwarzenegger*, United States District Court, N.D. Cal., No. C-94-2307 CW, Stipulation and Proposed Order issued November 30, 2006; *Coleman v. Schwarzenegger*, United States District Court, E.D. Cal., No. CIV-S-90-0520 LKK JFM P, Order issued November 6, 2006; and *Whitaker v. Rushen* (9th Cir. 1983) 720 F.2d 1132, 1135.

Subchapter 5. Personnel

Article 1. Wardens, Superintendents, Parole Region Administrators

Section 3380 is amended to read:

3380. Chief Executive Officer.

(a) The warden or superintendent of an institution of the department is the chief executive officer of that institution, and is responsible for the custody, treatment, training and discipline of all ~~inmates~~incarcerated persons under his charge.

(b) Parole region administrators are the chief executive officer of their respective parole regions, and are responsible for the supervision of all ~~parolees~~supervised persons and furloughees assigned to the region, and to the districts, units and community correctional centers under the region's jurisdiction.

(c) Subject to the approval of the Secretary of Corrections and Rehabilitation, wardens, superintendents and parole region administrators will establish such operational plans and procedures as are required by the Secretary for implementation of regulations and as may otherwise be required for their respective operations. Such procedures will apply only to the ~~inmates~~incarcerated persons, ~~parolees~~supervised persons and personnel under the administrator.

Subsection 3380(d) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code and Section 6253, Government Code.

Section 3382 is amended to read:

3382. Incident Reports.

Subsection 3382(a) remains unchanged.

(b) Incidents to be reported include, but are not limited to, all serious crimes such as homicide or severe assaults upon or by ~~inmates~~incarcerated persons, ~~parolees~~supervised persons or employees,

escapes, and sensational activities or events such as riots, strikes, demonstrations, disturbances, or disruption of essential services, and significant damage or destruction of state property.

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

Section 3383 is amended to read:

3383. State of Emergency.

Subsections 3383(a) through 3383(d) remain unchanged.

(e) During a state of emergency, the cause and effect shall be constantly reviewed and evaluated by the institution head or regional parole administrator/deputy director, DAPO, through appropriate staff. The facility's affected areas, programs, and operations shall be returned to normal as soon as the institution head or regional parole administrator/deputy director, DAPO, determines that it is safe to do so. Upon termination of a state of emergency, the normal schedules and time frames for administrative decisions and actions pertaining to affected ~~inmates~~incarcerated persons will resume.

NOTE: Authority cited: Section 5058, Penal Code; and Section 11152, Government Code. Reference: Section 5054, Penal Code.

Article 2. Employees

Section 3391 is amended to read:

3391. Employee and Appointee Conduct.

Subsections 3391(a) through 3391(a)(5) remain unchanged.

(6) Be alert, courteous, respectful, and professional in their interactions with ~~inmates, wards, parolees~~ incarcerated or supervised persons, fellow employees, visitors, their families, and members of the public.

Subsections 3391(a)(7) through 3391(b) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 19572(m), Government Code; Sections 5054 and 5058.4, Penal Code, *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW, *Madrid v. Woodford*, Special Masters Final Report Re: Department Of Corrections Post Powers Investigations And Employee Discipline; Case No. C90-3094-T.E.H. and *Madrid v. Woodford*, Order; Case No. C90-3094-T.E.H. Class Action.

Section 3392 is amended to read:

3392. Employee Discipline.

Subsections 3392(a) through 3392(a)(3) remain unchanged.

(4) Allegation Inquiry Unit (AIU)--The unit within the Office of Internal Affairs that conducts investigations into complaints alleging misconduct toward incarcerated persons and ~~parolees~~supervised persons as set forth in 3486.2, and reviews allegation inquiry reports completed by locally designated investigators.

Subsection 3392(a)(5) through 3392(a)(6) remain unchanged.

(7) Centralized Screening Team--The entity that reviews documentation to determine if the documentation contains a routine issue, alleges misconduct toward an incarcerated person or ~~parolees~~supervised person, or alleges misconduct not involving an incarcerated person or ~~parolees~~supervised person.

Subsections 3392(a)(8) through 3392(a)(31) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054, 5058.4 and 6053, Penal Code; Sections 3304(d)(1), 3513, 19570 and 19574, Government Code; Section 115, Evidence Code; *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194; *Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995); and *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW, *Madrid v. Woodford*, Special Masters Final Report Re: Department Of Corrections Post Powers Investigations And Employee Discipline; Case No. C90-3094-T.E.H. and *Madrid v. Woodford*, Order; Case No. C90-3094-T.E.H. Class Action.

Section 3392.1 is amended to read:

3392.1. Allegation Inquiry and Investigation Findings.

Subsection 3392.1(a) remain unchanged.

(1) NO FINDING: The ~~complainant~~reporting party failed to disclose promised information to further the investigation; the investigation revealed that another agency was involved and the ~~complainant~~reporting party has been referred to that agency; the ~~complainant~~reporting party wishes to withdraw the complaint; the ~~complainant~~reporting party refuses to cooperate with the investigation; or the ~~complainant~~reporting party is no longer available for clarification of facts/issues.

Subsections 3392.1(a)(2) through 3392.1(c).

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5058.4, Penal Code, *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW, *Madrid v. Woodford*, Special Masters Final Report Re: Department Of Corrections Post Powers Investigations And Employee Discipline; Case No. C90-3094-T.E.H. and *Madrid v. Woodford*, Order; Case No. C90-3094-T.E.H. Class Action.

Section 3392.5 is amended to read:

3392.5. Employee Disciplinary Matrix.

Subsection 3392.5(a) remains unchanged.

(b) Employee Disciplinary Matrix Misconduct Categories and Penalty Ranges:

<i>A. ATTENDANCE</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Excessive tardiness.	1	1 2 3
2) Unauthorized absence.	1	1 2 3
3) Excessive absenteeism.	1	1 2 3 4 5 6 7

<i>B. CODE OF SILENCE or RETALIATION</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Intentional failure to report misconduct by another employee.	3	2 3 4 5
2) Intentional failure to report serious misconduct by another employee.	7	4 5 6 7 8 9
3) Intimidation, threats, or coercion that could interfere with an employee's duty to report misconduct, or an act of retaliation for reporting misconduct.	9	7 8 9
4) Any independent act(s) that prevents or interferes with the reporting of misconduct.	9	4 5 6 7 8 9
5) Any involvement in a concerted or coordinated effort with other employees to prohibit or impede the reporting of misconduct.	9	7 8 9
<i>C. ALCOHOL, TOBACCO, AND DRUGS</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Use or possession of controlled substances on or off-duty, unless medically prescribed.	7	4 5 6 7 8 9
2) Use or possession of marijuana on or off-duty in violation of State or Federal law.	7	4 5 6 7 8 9
3) Sale or distribution of prescribed medications or controlled substances.	9	9
4) Theft of medication.	9	7 8 9
5) Use of over-the-counter or prescription medications while on duty which impairs an employee's ability to discharge his or her <u>their</u> duties.	4	3 4 5 6 7
6) Use of medication prescribed to another.	6	4 5 6 7 8 9
7) Possession of alcohol on institutional grounds, while on duty, or in the presence of inmates, wards, <u>or parolees incarcerated or supervised persons.</u>	6	4 5 6 7
8) Use of alcohol or drunkenness on duty.	7	4 5 6 7 8 9
9) Operating a private vehicle for state business, a state vehicle, or a vehicle rented for state business, under the influence of alcohol, controlled substances, or prescribed medication.	7	4 5 6 7 8 9

10) Use or possession of tobacco products in unauthorized areas of department owned or controlled property.	1	1 2 3 4
<i>D. CONDUCT OR JOB PERFORMANCE</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Discourtesy toward inmates, wards, parolees <u>incarcerated or supervised persons</u> , other employees, or the public.	1	1 2 3 4 5 6
2) Negligently endangering self, fellow employees, inmates, wards, parolees <u>incarcerated or supervised persons</u> , or the public by violation of statutes, regulations, ordinances, or departmental policy, procedures, or training.	2	1 2 3
3) Intentionally endangering self, fellow employees, inmates, wards, parolees <u>incarcerated or supervised persons</u> , or the public by violation of statutes, regulations, ordinances, or departmental policy, procedures, or training.	6	4 5 6 7 8 9
4) Leaving assigned post without supervisor approval.	2	1 2 3
5) Less than alert, inattentive, or distracted while on duty.	2	1 2 3
6) Asleep while on duty.	3	1 2 3 4
7) Gambling on duty.	2	1 2 3
8) Unauthorized use of department position, uniform, or equipment.	2	1 2 3
9) Use of identification or department position to solicit a gratuity or privilege.	4	3 4 5 6 7 8
10) Engaging in a relationship in violation of the department's nepotism or fraternization policy.	4	3 4 5 6 7 8 9
11) Failure to report a relationship in violation of the department's nepotism or fraternization policy.	3	2 3 4 5 6
12) Improperly accessing or unauthorized possession or disclosure of confidential information.	4	2 3 4 5 6 7 8 9
13) Improperly accessing or unauthorized possession or disclosure of confidential information with malicious intent or for personal gain.	5	3 4 5 6 7 8 9

14) Disruptive, offensive, or vulgar conduct which discredits the department.	3	2 3 4 5 6
15) Intimidation, threat, or assault without the intent to inflict serious injury toward a department employee, inmate , ward, parolee <u>incarcerated or supervised person</u> , or member of the public.	5	3 4 5 6 7 8
16) Intimidation, threat, or assault with the intent to inflict serious injury toward a department employee, inmate , ward, parolee <u>incarcerated or supervised person</u> , or member of the public.	7	5 6 7 8 9
17) Battery against a departmental employee or member of the public without the intent to inflict serious injury.	5	3 4 5 6 7 8
18) Battery against a department employee or member of the public with the intent to inflict serious injury.	7	5 6 7 8 9
19) Sexual misconduct involving staff or a member of the public.	6	5 6 7 8 9
20) Over-familiarity with inmate(s) , ward(s) , parolee(s) <u>incarcerated or supervised person(s)</u> or inmate , ward, or parolee <u>incarcerated or supervised person</u> family member(s).	5	4 5 6 7 8 9
21) Sexual misconduct with an inmate , ward , or parolee <u>incarcerated or supervised person</u> .	9	9
22) Prostitution or solicitation of prostitution.	6	5 6 7 8 9
23) Bringing contraband into a secure area for personal use.	1	1 2 3 4 5 6
24) Bringing for or providing contraband to an inmate , ward, or parolee <u>incarcerated or supervised person</u> .	9	5 6 7 8 9
25) Failure to observe and perform within the professional standards, including community standards of care, applicable to a profession, or engaging in behavior that constitutes professional misconduct under professional standards.	3	3 4 5 6 7 8 9
26) Failure to observe and perform within the scope of training, post orders, duty statements, department policy, or operational procedures.	1	1 2 3 4 5
27) Failure to observe and perform within the scope of practice for medical, nursing, psychiatric,	3	3 4 5 6 7 8 9

psychological, dental, or other health care employees.		
28) Employee's failure to report discipline by a licensing agency.	3	3 4 5 6 7 8 9
29) Failure to intervene in or attempt to stop misconduct by another employee.	5	4 5 6 7 8 9
30) Failure to intervene in or attempt to stop misconduct by another employee directed at an incarcerated person.	7	5 6 7 8 9
31) Felony criminal conviction.	9	9
32) Misdemeanor conviction involving moral turpitude.	9	7 8 9
<i>E. INTEGRITY AND DISHONESTY</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Petty theft.	4	3 4 5 6 7
		Penalty shall be relative to value and circumstances
2) Grand theft.	9	7 8 9
		Penalty shall be relative to value and circumstances
3) Making evasive statements, failing to report, or omitting material facts or information to a supervisor by non-sworn staff.	3	2 3 4 5 6 7
4) Making evasive statements, failing to report, or omitting material facts or information to a supervisor by sworn staff.	4	2 3 4 5 6 7
5) Making intentionally false or intentionally misleading statements regarding a material fact or intentionally omitting material facts to a supervisor.	7	4 5 6 7 8 9
6) Making intentionally false or intentionally misleading statements regarding a material fact, or intentionally omitting material facts, during an inquiry or investigation conducted by the department's Office of Internal Affairs.	9	7 8 9
7) Making intentionally false or intentionally misleading statements regarding a material fact or	7	5 6 7 8 9

intentionally omitting material facts to a public safety officer on or off-duty.		
8) Making intentionally false or intentionally misleading statements regarding a material fact or intentionally omitting material facts during an investigation conducted by any local, state, or federal entity; state or federal licensing agency; or professional peer review board.	9	7 8 9
9) False testimony under oath.	9	9
10) Falsification of material facts in reports or official records.	9	7 8 9
11) Falsification of a time record or financial record for fraudulent purposes.	9	4 5 6 7 8 9
12) False claim for Leave Entitlement.	5	4 5 6 7 8 9
13) Falsification by an employee of a medical note or record obtained from a dental, medical, mental health, or health care provider.	9	4 5 6 7 8 9
14) Entering false or intentionally misleading statements in a dental, medical, mental health, or other health care record.	9	4 5 6 7 8 9
15) Altering or destroying dental, medical, or mental health care records in violation of department policy or state or federal law.	9	5 6 7 8 9
16) Falsification, alteration, planting, or destruction of evidence.	9	7 8 9
17) Falsification, alteration, or destruction of department records, documents, or communications in violation of department policy.	9	7 8 9
18) Repeated unintentionally failing to start, shutting off, or disabling Audio-Visual Surveillance System or Body-Worn Cameras.	2	1 2 3
19) Intentionally failing to start, shutting off, or disabling Audio-Visual Surveillance System or Body-Worn Cameras.	9	7 8 9
20) Tampering with, altering, or destroying Audio-Visual Surveillance System or Body-Worn Camera equipment or recordings.	9	7 8 9
21) Cheating on a civil service examination; unauthorized possession, use, or distribution of	9	4 5 6 7 8 9

examination materials; or participating in an examination for another person.		
22) Falsification or intentional omission of information on applications or other documents submitted for employment or promotion.	9	4 5 6 7 8 9
23) Participating in hiring practices that violate the law or department policy.	7	4 5 6 7 8 9
<i>F. FAILURE TO COMPLY</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Failure to obtain approval from or provide updated information to a hiring authority regarding secondary employment outside the department.	1	1 2 3
2) Accepting employment outside the department or engaging in activities inconsistent or incompatible with departmental employment as set forth in section 3413.	4	3 4 5 6
3) Failure to attend required training.	1	1 2 3
4) Failure to comply with an admonishment or other lawful instruction by the Office of Internal Affairs during an investigation.	6	5 6 7 8 9
5) Failure to follow lawful instructions as directed by a supervisor or higher-ranking official.	3	2 3 4 5 6 7
6) Failure to report a change in qualifications, licensure, or certification required for continued employment in a job classification.	4	3 4 5 6 7 8 9
7) Refusal to submit to or take any oath or affirmation required by law.	9	9
8) Refusal to take a medical or psychological examination or submit to drug or alcohol testing, as required by law, civil service rules, department policy, Memoranda of Understanding, or lawful order.	9	9
<i>G. EQUAL EMPLOYMENT OPPORTUNITY</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Unsolicited, unwelcome, or offensive verbal or written comments that are derogatory, sexual in nature, or discriminatory based on protected status.	3	1 2 3 4 5 6 7 8 9

2) Unsolicited, unwelcome, or offensive physical conduct that is derogatory, sexual in nature, or discriminatory based on protected status.	4	1 2 3 4 5 6 7 8 9
3) Unsolicited, unwelcome, or offensive visual conduct that is derogatory, sexual in nature, or discriminatory based on protected status.	3	1 2 3 4 5 6 7 8 9
4) Displaying objects, cartoons, pictures, or posters that are derogatory, sexual in nature, or discriminatory based on protected status.	3	1 2 3 4 5 6 7 8 9
5) Making employment decisions or changing the terms, conditions, or privileges of employment based on an individual's protected characteristics.	3	1 2 3 4 5 6 7 8 9
6) Changing the terms, conditions, or privileges of employment in retaliation for engaging in activity protected by state or federal law, filing a discrimination, harassment or retaliation complaint; opposing unlawful discrimination, harassment or retaliation; or participating in the discrimination complaint process.	6	1 2 3 4 5 6 7 8 9
<i>H. WORKPLACE VIOLENCE</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Conduct that is disruptive because it disturbs, intimidates, interferes with, or prevents normal work functions or workplace activities.	3	1 2 3 4 5 6 7 8 9
2) Threatened acts of violence with the intent to harass, intimidate, commit an injury to self or others, or damage or destroy property.	4	1 2 3 4 5 6 7 8 9
3) Stalking which consists of willful, malicious, and repeated following or harassing of another person, by any means direct or indirect, that causes a reasonable person to fear for their safety or the safety of their immediate family.	6	3 4 5 6 7 8 9
<i>I. MISUSE OF STATE RESOURCES</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Unauthorized use of state equipment or services for personal use.	3	1 2 3 4 5 6 7
2) Failure to carry required equipment.	1	1 2 3 4 5
3) Misuse or non-use of issued equipment.	1	1 2 3 4 5
4) Misappropriation of state equipment, property, supplies or funds.	1-9	1-9

		Penalty shall be relative to value of property and circumstances.
<i>J. OFF-DUTY INCIDENTS</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Failure to report off-duty arrest to the hiring authority.	2	1 2 3
2) Drunk or disorderly conduct in public.	2	1 2 3
3) Off-duty driving under the influence of alcohol or a drug without collision.	2	1 2 3 4 5
4) Off-duty driving under the influence of alcohol or a drug with collision.	5	4 5 6
5) Off-duty driving under the influence of alcohol or a drug resulting in injury.	7	7 8 9
6) Carrying a concealed firearm off-duty without a carry concealed weapon permit or department authorization.	5	3 4 5 6 7 8 9
7) Possessing a department authorized off-duty firearm while impaired by alcohol or a drug.	6	4 5 6 7 8 9
8) Misuse of firearm while off-duty.	3	1 2 3 4 5
9) Illegal display or brandishing of firearm while off-duty.	5	3 4 5 6 7
10) Negligent handling of firearm without injury while off-duty.	2	1 2 3 4 5
11) Negligent handling of firearm with injury while off-duty.	6	3 4 5 6 7 8 9
12) Gross negligence in handling of firearm without injury while off-duty.	7	4 5 6 7 8 9
13) Gross negligence in handling of firearm with injury while off- duty.	9	4 5 6 7 8 9
14) Domestic violence.	6	4 5 6 7 8 9
15) Child abuse or endangerment.	6	4 5 6 7 8 9
16) Sexual misconduct involving, or sexual abuse of, a minor.	9	7 8 9
17) Intimidation, threat, or assault of a private citizen.	5	3 4 5 6

18) Battery of a private citizen without intent to commit injury.	4	1 2 3 4 5 6 7 8
19) Battery of a private citizen with intent to commit injury.	7	6 7 8 9
20) Other off-duty criminal conduct.	1-9	1-9
		Penalty shall be relative to nature of criminal offense
<i>K. ON-DUTY TRAFFIC-RELATED INCIDENTS</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Negligent driving while on duty.	2	1 2 3
2) Negligent driving while on duty with collision.	3	2 3 4
3) Dangerous, reckless, or wanton driving while on duty.	5	3 4 5 6
4) Dangerous, reckless, or wanton driving while on duty with collision.	7	4 5 6 7 8
<i>L. USE OF FORCE</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Unnecessary use of force without injury.	2	1 2 3
2) Unnecessary use of force causing injury.	5	4 5 6 7 8 9
3) Unnecessary use of force causing great bodily injury.	9	6 7 8 9
4) Excessive use of force without injury.	3	1 2 3
5) Excessive use of force causing injury.	5	4 5 6 7 8 9
6) Excessive use of force causing great bodily injury.	9	6 7 8 9
7) Intentional unnecessary or excessive use of force.	9	7 8 9
8) Employee's failure to report their own use of force.	5	2 3 4 5 6
9) Employee's failure to report their own unnecessary or excessive use of force.	9	4 5 6 7 8 9
10) Employee's failure to report use of force observed.	4	2 3 4 5 6
11) Employee's failure to report unnecessary or excessive use of force observed.	9	4 5 6 7 8 9

<i>M. WEAPONS--LETHAL & LESS-LETHAL WHILE ON DUTY</i>	<i>BASE PENALTY</i>	<i>PENALTY RANGE</i>
1) Misuse or non-use of available weapons while on duty.	2	1 2 3
2) Inappropriate display of weapon(s) while on duty.	2	1 2 3 4 5
3) Negligent handling of weapon(s) without injury while on duty.	2	1 2 3 4 5
4) Negligent handling of weapon(s) with injury while on duty.	6	3 4 5 6 7 8 9
5) Unintentional discharge of weapon(s) while at the range.	1	1 2 3 4
6) Gross negligence in handling of weapon(s) without injury while on duty.	7	4 5 6 7 8 9
7) Gross negligence in handling of weapon(s) with injury while on duty.	9	4 5 6 7 8 9

Subsection 3392.5(c) through 3392.5(c)(13) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 5054, Penal Code; Section 19572, Government Code; *Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995.); *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW, *Madrid v. Woodford*, Special Masters Final Report Re: Department Of Corrections Post Powers Investigations And Employee Discipline; Case No. C90-3094-T.E.H. and *Madrid v. Woodford*, Order; Case No. C90-3094-T.E.H. Class Action.

3392.9. Use of Administrative Time Off.

Subsections 3392.9(a) through 3392.9(a)(2) remain unchanged.

(3) The employee has jeopardized or their continued presence will jeopardize, the safety and security of the workplace or the health and welfare of other employees, ~~inmates, wards, or parolees~~ incarcerated or supervised persons.

Subsections 3392.9(a)(4) through 3392.9(a)(5) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 5054, Penal Code; *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW, *Madrid v. Woodford*, Special Masters Final Report Re: Department Of Corrections Post Powers Investigations And Employee Discipline; Case No. C90-3094-T.E.H. and *Madrid v. Woodford*, Order; Case No. C90-3094-T.E.H. Class Action.

Section 3393 is amended to read:

3393. Uniforms, Badges, and Insignia.

Subsections 3393(a) through 3393(b) remain unchanged.

(c) All uniformed peace officer personnel shall wear a clearly displayed nameplate as a standard item of uniform attire. Any employees having contact with ~~inmates~~incarcerated persons and the general public may also be required to wear a nameplate while on duty, as determined by the warden, superintendent, division head, or regional parole administrator to whom the employee reports.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 830.10, Penal Code.

Section 3394 is amended to read:

3394. Distractions.

Employees assigned to security post positions or to direct supervision and control of ~~inmates or parolees~~ incarcerated or supervised persons will not read, listen to a private radio, or engage in any distracting amusement or activity while on assignment except such authorized reading as may be required in the proper performance of their assigned duties.

Comment: Former DR-5205, reading or distraction while on duty.

Section 3399 is amended to read:

3399. Transactions.

Employees shall not directly or indirectly trade, barter, lend or otherwise engage in any other personal transactions with any ~~inmate~~incarcerated person, ~~parolee~~supervised person or person known by the employee to be a relative of an ~~inmate~~incarcerated person or ~~parolee~~supervised person. Employees shall not, directly or indirectly give to or receive from any ~~inmate~~incarcerated person, ~~parolee~~supervised person or person known by the employee to be a relative of an ~~inmate~~incarcerated person or ~~parolee~~supervised person, anything in the nature of a tip, gift or promise of a gift.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2541 and 5054, Penal Code.

Section 3400 is amended to read:

3400. Familiarity.

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

Comment: Former DR-5211, undue familiarity.

Section 3401 is amended to read:

3401. Employee and ~~Inmate/Parolee~~ Incarcerated/Supervised Person Relations.

(a) Except as provided in (e) below, employees shall not take, deliver or otherwise transmit, either to or from any incarcerated person ~~inmate~~ or member of an incarcerated person's~~inmate's~~ family; any verbal or written message, document, item, article or substance.

(b) Except as provided in (e) below, employees shall not contact, correspond or otherwise communicate with any incarcerated person ~~inmate, parolee~~supervised person or member of an ~~inmate's~~incarcerated person's or supervised person's~~parolee's~~ family.

(c) If an employee is contacted by any incarcerated person ~~inmate, parolee~~supervised person or member of an ~~inmate's~~incarcerated person's or supervised person's~~parolee's~~ family, other than under circumstances specified in (e) below, the employee shall immediately notify, in writing, the employee's institution head or director/assistant secretary of that fact.

(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 ~~inmate, parolee~~supervised person or member of an ~~inmate's~~incarcerated person's or supervised person's~~parolee's~~ family, by other than approved means or circumstances, shall immediately notify, in writing, their institution head or director/assistant secretary of that fact.

Subsection 3401(e) remains unchanged.

(1) In the execution of their assigned duties, employees shall issue, or receive from incarcerated persons~~inmates~~ 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 ~~inmate, parolee~~supervised person or member of an ~~inmate's~~incarcerated person's or supervised person's~~parolee's~~ family as necessary.

(3) While off-duty, and only in accordance with this regulation, departmental employees may conduct relationships with any incarcerated person ~~inmate, parolee~~supervised person or member of an ~~inmate's~~incarcerated person's or supervised person's~~parolee'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: Section 5054, Penal Code.

Section 3401.5 is amended to read:

3401.5. Staff Sexual Misconduct.

(a) For the purposes of this section, staff sexual misconduct means any sexual behavior by a departmental employee, volunteer, agent or individual working on behalf of the Department of Corrections and Rehabilitation, which involves or is directed toward an ~~inmate or parolee~~ incarcerated or supervised person. The legal concept of "consent" does not exist between departmental staff and ~~inmates/parolees~~ incarcerated/supervised persons; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law. Sexual misconduct includes, but is not limited to:

(1) Influencing or offering to influence an ~~inmate's/parolee's~~ incarcerated/supervised person's safety, custody, housing, privileges, parole conditions or programming, or offering goods or services, in exchange for sexual favors; or

(2) Threatening an ~~inmate's/parolee's~~ incarcerated/supervised person's safety, custody, housing, privileges, work detail, parole conditions or programming because the ~~inmate/parolee~~ incarcerated/supervised person has refused to engage in sexual behavior; or

Subsections 3401.5(a)(3) through 3401.5(a)(3)(E) remain unchanged.

(F) Invasion of privacy, beyond that reasonably necessary to maintain safety and security; or disrespectful, unduly familiar, or sexually threatening comments directed to, or within the hearing of, an ~~inmate/parolee~~ incarcerated/supervised person.

(4) Display by staff, in the presence of an ~~inmate~~ incarcerated person, of the staff person's uncovered genitalia, buttocks, or breast;

Subsection 3401.5(a)(5) through 3401.5(e) remain unchanged.

(f) Retaliation Against ~~Inmates/Parolees~~ Incarcerated/Supervised Persons. Retaliatory measures against ~~inmates/parolees~~ incarcerated/supervised persons who report incidents of staff sexual misconduct shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an ~~inmate/parolee~~ incarcerated person/supervised person from reporting sexual misconduct.

(g) Protection Measures. Multiple protection measures shall be considered to protect ~~inmate~~ incarcerated person victims who report staff sexual misconduct or cooperate with staff sexual misconduct investigations including but not limited to housing changes or transfers for ~~inmate~~ incarcerated person victims, removal of alleged staff from contact with victims, and emotional support services for ~~inmates~~ incarcerated persons or staff who fear retaliation for reporting staff sexual misconduct or sexual harassment or for cooperating with investigations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 289.6, 293.5 and 5054, Penal Code; and Section 6254, Government Code; and 28 CFR Section 115.67.

Section 3401.6 is amended to read:

3401.6. Staff Sexual Harassment.

Subsections 3401.6(a) through 3401.6(c) remain unchanged.

(d) Retaliation Against ~~Inmates/Parolees~~ Incarcerated/Supervised Persons. Retaliatory measures against ~~inmates/parolees~~ incarcerated/supervised persons who report incidents of staff sexual harassment shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an ~~inmate/parolee~~ incarcerated/supervised person from reporting sexual harassment.

(e) Protection Measures. Multiple protection measures may be considered to protect ~~inmate~~ incarcerated victims who report staff sexual harassment or cooperate with staff sexual harassment investigations including but not limited to housing changes or transfers for ~~inmate~~ incarcerated victims, removal of alleged staff from contact with victims, and emotional support services for ~~incarcerated persons~~ inmates or staff who fear retaliation for reporting staff sexual harassment or for cooperating with investigations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 289.6, 293.5 and 5054, Penal Code; Section 6254, Government Code; and 28 CFR Sections 115.67 and 115.76.

Section 3402 is amended to read:

3402. Central File.

(a) Within the scope of their assigned duties, employees are encouraged to consult an incarcerated person's~~inmate's~~ central file for assistance in better understanding the incarcerated person~~inmate~~. The contents of the ~~inmate's~~incarcerated person's file are private and privileged information. It will not be discussed with other persons except as is necessary for professional reasons, and will not be the subject of banter between employees or between employees and the ~~inmate~~ incarcerated person to whom it pertains or with other ~~inmates~~ incarcerated persons. Information in an ~~inmate's~~ incarcerated person's central file may be confidential by law or for reasons relating to institution security and the safety of persons. Such confidential or restricted information must not be disclosed to persons who are not authorized by law and departmental policy and procedures to receive such information.

(b) The central file of a ~~parolee~~supervised person or an ~~inmate~~ incarcerated person may not be removed from the appropriate case records office or an institution without the prior knowledge and approval of the supervising records officer who is responsible for the control and maintenance of the file. Temporary transfer of a central file to another agency for any reason also requires the prior approval of the supervising records officer.

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

Section 3404 is amended to read:

3404. Hiring of Ex-Offenders.

Subsections 3404(a) through 3404(b)(1) remain unchanged.

(2) ~~Inmate~~Incarcerated person personal or medical information.

Subsection 3404(c) remains unchanged.

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

Section 3405 is amended to read:

3405. Legal Assistance to ~~Inmates and Parolees~~ Incarcerated and Supervised Persons.

Employees must not assist an ~~inmate or parolee~~ incarcerated or supervised person in the preparation of any legal document, or give any form of legal advice or service, except as specifically authorized by the warden, superintendent or regional parole administrator. Employees should help ~~inmates and parolees~~ incarcerated and supervised persons to find qualified assistance for their legal problems.

Comment: Former DR-5216, petitions and writs.

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

Section 3407 is amended to read:

3407. State Supplies.

Employees may not consume or use food or supplies purchased or produced for an ~~inmate or parolee's~~ incarcerated or supervised person's use, except as required by the employee's assigned duties or as specifically approved by the warden or superintendent or regional parole administrator.

Comment: Former DR-5218, use of state supplies.

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

Section 3408 is amended to read:

3408. Vehicles.

Employees must use state vehicles for official business only and as specifically authorized by the warden, superintendent, or regional parole administrator. Employees must not allow an ~~inmate~~non-incarcerated person to drive a vehicle on a public road, except in extreme emergency, and must report such instance to the employee's supervisor immediately following the emergency.

Comment: Former DR-5219, use of vehicles.

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

Section 3417 is amended to read:

3417. Citizen's Complaints.

(a) An allegation by a ~~non-inmate~~ non-incarcerated person of misconduct by a departmental peace officer as defined in section 3291(b) is a citizen's complaint pursuant to Penal Code section 832.5. Citizen's complaints alleging misconduct of a departmental peace officer shall be filed within twelve months of the alleged misconduct.

(b) Persons other than an ~~inmate~~ incarcerated person, ~~parolee~~ supervised person or staff who allege misconduct of a departmental peace officer shall submit a written complaint to the institution head or parole administrator of the area in which the peace officer is employed.

(c) Citizens filing complaints alleging misconduct by a departmental peace officer are required to read and sign the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or ~~inmates'/parolees'~~ incarcerated/supervised person's] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or ~~inmate/parolee~~ incarcerated/supervised person] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 148.6 and 832.5, Penal Code.

Article 3. Employee Services

Section 3425 is amended to read:

3425. Gifts, Tips.

No gift, tip or reward will be offered by an employee or be accepted for or by an ~~inmate~~ incarcerated person.

Comment: Former DP-5036, tips, gifts, or rewards.

Section 3426 is amended to read:

3426. Employee Early Intervention Program.

Subsections 3426(a) through 3426(f)(2) remain unchanged.

(3) Issue a written statement within 30 days of completion of the review to the ~~complainant~~ reporting party if complaint is found to be invalid;

Subsections 3426(f)(4) through 3426(k)(3) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code; and Section 3214, Labor Code. Reference: Section 5054, Penal Code; Sections 139.2, 3209.3, 3214, 4600 and 5307.1, Labor Code; CCR, Title 2, Section 714; CCR, Title 8, Sections 9785, 10132 and 10132.1; CCR, Title 15, Div. 3, Section 3434; Section 8547.2(b), Government Code; and State of California, Interagency Agreement, A9450207, AM-IV.

Article 4. General Personnel Regulations

Section 3436 is amended to read:

3436. Limited Term Light Duty Assignments.

Subsections 3436(a) through 3436(f) remain unchanged.

(g) LTLDA assignments would generally be to assignments with limited ~~inmate~~ incarcerated person contact and that are less strenuous than the employee's regular assignment.

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

Section 3436.1 is amended to read:

3436.1. Temporary Modified Work Assignments.

Subsections 3436.1(a) through 3436.1(g) remain unchanged,

(h) TMWA assignments would generally be to assignments with limited ~~inmate~~ incarcerated person contact and that are less strenuous than the employee's regular assignment.

Subsections 3436(i) through 3436(j) remain unchanged.

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

Article 6. Information Practices

Section 3450 is amended to read:

3450. Personal Information Record Access and Amendment.

Subsections 3450(a) through 3450(a)(2) remain unchanged.

(b) The denial of a request to amend information may be appealed in writing first to the institution head or headquarters' division head and then to the director, and shall include all documentation pertaining to the requested amendment. ~~Inmates and parolees~~ Incarcerated and supervised persons may appeal the denial of a request using the ~~inmate/parolee~~ incarcerated/supervised person appeal process established in these regulations.

Subsection 3450(c) remains unchanged.

(d) No ~~inmate or parolee~~ incarcerated or supervised person shall prepare, handle, or destroy any portion of a departmental record containing confidential information as that term is defined in Section 3321.

(e) No ~~inmate or parolee~~ incarcerated or supervised person shall prepare, handle, or destroy any portion of a departmental record containing personal information except:

Subsections 3450(e)(1) and 3450(e)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Section 1798.20, Civil Code.

Article 9. Joint Venture Program

Section 3470 is amended to read:

3470. Joint Venture Program.

The secretary shall establish Joint Venture Program operations in state prison facilities pursuant to the Prison Inmate Labor Initiative of 1990 (PILI). This program shall allow employers to employ ~~inmates~~ incarcerated persons for the purpose of producing goods or services that may be sold to the public. The purpose of the program shall include preparing offenders for return to society by offering relevant job skills and work habits to increase success on parole, thereby benefiting society at large.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.2 and 5058, Penal Code.

Section 3472 is amended to read:

3472. Joint Venture Employer Selection Criteria.

Subsection 3472(a) remains unchanged.

(1) Provide ~~inmates~~ incarcerated persons with the means to reimburse the state from earned wages for a portion of the cost of the ~~inmate's~~ incarcerated person's room and board.

(2) Provide ~~inmates~~ incarcerated persons with the means of paying restitution and compensation to the victims of crime from wages earned.

(3) Employ ~~inmates~~ incarcerated persons in productive work and provide them with the opportunity to earn money while encouraging and maintaining safe prison operations.

(4) Provide ~~inmates~~ incarcerated persons with the means to support their families to the extent possible.

(5) Teach ~~inmates~~ incarcerated persons skills and work habits that may be used upon their release from prison by patterning the operation after those operations outside of prison.

(6) Assist ~~inmates~~ incarcerated persons in their rehabilitation.

Subsections 3472(a)(7) through 3472(d) remain unchanged.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.2, 2717.5 and 5054, Penal Code; and Section 5, Article XIV of the State Constitution.

Section 3473 is amended to read:

3473. Joint Venture Program Contracts.

Subsections 3473(a) through 3473(a)(1) remain unchanged.

(2) The conditions and requirements under which the Joint Venture Employer's ~~non-inmate non-incarcerated~~ employees shall be admitted onto or excluded from departmental or departmentally leased property.

(3) A provision for Joint Venture Employer ~~non-inmate non-incarcerated~~ employee orientation training which shall consist of those items necessary for employees to operate the industry within the institution in a consistent, secure and effective manner. Ongoing training shall be scheduled as directed by the institution head.

(4) A requirement that ~~inmate-employees~~ incarcerated employees shall be paid “comparable wages” as defined by PC section 2717.8. “Comparable wages” means that compensation of ~~inmate-employees~~ incarcerated employees by the Joint Venture Employer shall be comparable to the wages paid by the Joint Venture Employer to ~~non-inmate non-incarcerated~~ employees performing the same or similar work for that employer. If the Joint Venture Employer does not employ such ~~non-inmate non-incarcerated~~ employees in the same or similar work, compensation shall be comparable to wages paid for work of a similar nature in the locality in which the work is to be performed. These wages are subject to the deductions listed in Section 3476(h) and the mandatory savings listed in Section 3476(i).

(5) A provision that the administrator of the JVP shall monitor the wage rates paid to ~~inmate-employees~~ incarcerated employees for compliance with the comparable wage requirement of PC section 2717.8.

(6) Hours of ~~inmate~~ incarcerated person employment and work schedule.

(7) Minimum and maximum ~~inmate~~ incarcerated person workforce requirements.

Subsections 3473(a)(8) through 3473(a)(12) remain unchanged.

(A) Obligation to pay ~~inmate-employees~~ incarcerated employees comparable wages as required by PC section 2717.8.

Subsections 3473(a)(12)(B) through 3473(a)(12)(F) remain unchanged.

(G) ~~Inmate-employees~~ Incarcerated employees benefits.

(H) Notification to ~~inmate-employees~~ incarcerated employees of their rights under PC section 2717.8 and relevant Labor Code provisions.

Subsection 3473(a)(12)(I) remains unchanged.

(J) A Security Bond, or equivalent security, posting requirement shall be included in the contract. The amount of the bond, or its equivalent, shall be not less than two months wages for the workforce contemplated by the Joint Venture Employer after six months of operation, and shall be determined on a case-by-case basis based on, but not limited to, the size of the ~~inmate~~ incarcerated person workforce and the size of space leased by the Joint Venture Employer. The bond, or its equivalent shall be retained by the department for the duration of the contract and may be used by the department in the event a Joint Venture Employer fails to submit payroll or defaults on any of its obligations to the State. The department shall apply the bond first to pay past due wages to ~~inmate-employees~~ incarcerated employees and thereafter, the bond shall be available to pay unpaid obligations to the State, including, but not limited to, rent, utilities, workers' compensation, and custody costs.

Subsections 3473(a)(12)(K) through 3473(a)(12)(K)3. remain unchanged.

4. If there are ~~non-inmate~~ non-incarcerated employees performing the same or similar work for that employer, a detailed job description, wage rate, and a wage plan for its ~~non-inmate~~ non-incarcerated workforce with documentation; or

Subsections 3473(a)(12)(K)5. through 3473(a)(12)(L)2. remain unchanged.

(M) Hiring of eligible ~~inmate-employees~~ incarcerated employees, which is a decision within the sole determination of the Joint Venture Employer.

(N) ~~Inmate-employee~~ Incarcerated employees time keeping.

Subsection 3473(a)(12)(O) remains unchanged.

(P) Agreement that the Joint Venture Employer's business will not result in the displacement of any ~~non-inmate~~ non-incarcerated workers performing the same work.

(Q) The process used by JVE for final selection of ~~inmate-employees~~ incarcerated employees.

Subsection 3473(a)(12)(R) remains unchanged.

(S) ~~Inmate-employee~~ Incarcerated employee performance evaluations.

Subsection 3473(a)(12)(T) remains unchanged.

(U) Provision of all applicable ~~inmate-employee~~ incarcerated employee payroll data.

Subsection 3473(a)(13) through 3473(a)(13)(A) remains unchanged.

(B) Lockdowns, modified programs, fog lines and other circumstances under which ~~inmate-employees~~ incarcerated employees may be restricted from work.

Subsection 3473(a)(13)(C) remains unchanged.

(D) ~~Inmate-employee~~ Incarcerated employee discipline.

Subsection 3473(a)(13)(E) remains unchanged.

(F) Initial screening of potential ~~inmate-employee~~ incarcerated employee pool for security purposes.

(b) No Joint Venture Program contract shall be executed by the department that will initiate employment by ~~inmates~~ incarcerated persons in the same job classification as ~~non-inmate~~ non-

incarcerated employees of the same employer who are on strike or subject to lockout as defined in PC section 2717.6.

Subsection 3473(c) remains unchanged.

(d) Nothing in these regulations is intended to establish an employer/employee relationship between any ~~inmate~~ incarcerated person participating in the Joint Venture Program and the State of California, the department, or any individual agency or office of the State of California.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.5, 2717.6, 2717.8 and 5054, Penal Code; Section 5, Article XIV of the State Constitution; and *Vasquez v. State of California*, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

Section 3475 is amended to read:

3475. Monitoring Comparable Wages and Wage Plans.

Subsection 3475(a) remains unchanged.

(b) The JVP shall obtain wage data, applicable Standard Occupational Codes (SOC), and survey data from Occupational Employment Surveys (OES) for each ~~inmate-employee~~ incarcerated employee job description from the Employment Development Department annually, upon the creation of any new JVE job position, upon the alteration of any existing position, or upon the establishment of any new JVP business.

Subsection 3475(c) remains unchanged.

(d) The JVP shall maintain a database which includes each ~~inmate's~~ incarcerated person's date of hire, hourly wage, hours worked and the SOC code for each ~~inmate~~ incarcerated person position.

(e) The JVP shall conduct desk audits every ninety days of a randomly selected ten percent of the ~~inmate~~ incarcerated person workforce and shall review salary levels to verify that the comparable wage rates are being paid.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.3, 2717.4, 2717.8 and 5054, Penal Code; and *Vasquez v. State of California*, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

Section 3476 is amended to read:

3476. Inmate Incarcerated Person Joint Venture Program Participation.

(a) ~~Inmate~~ Incarcerated person employment is "at will" and as such is at the discretion of the employer. The Joint Venture Employer may lawfully terminate ~~inmate-employees~~ incarcerated employees at any time with or without cause but not for unlawful reasons. The department may remove ~~inmate-employees~~ incarcerated employees from participation in the Joint Venture Program at any time with or without cause.

(b) As a condition of employment, all ~~inmate-employees~~ incarcerated employees agree to participate in random urine testing.

(c) Earned wages paid by the Joint Venture Employer will be distributed to ~~inmates~~ incarcerated persons by the department once a month, regardless of the frequency the employer issues payroll.

(d) ~~Inmate~~ incarcerated person participation in the Joint Venture Program shall be voluntary as evidenced by their written consent on the department's form CDCR 1872, (Rev. 03/2007/24) ~~Inmate~~Incarcerated Person Participation Agreement -- Joint Venture Program (JVP), which is hereby incorporated by reference. The Joint Venture Employer shall provide to all ~~inmates~~ incarcerated persons hired written information on the conditions of their participation in the Joint Venture Program. Such information shall include, but not be limited to:

Subsections 3476(d)(1) through 3476(d)(3) remain unchanged.

(4) ~~Inmates~~ Incarcerated persons shall not be subject to retaliation, as specified in Title 15, CCR, Section 3481(d), by the department for their use of the administrative remedies process, to address Joint Venture Employer-related matters. Neither the Joint Venture Employer nor the department shall retaliate against ~~inmates~~ incarcerated persons for exercising rights guaranteed under the State Labor Code or elsewhere in law to address Joint Venture Employer-related matters.

(e) The Joint Venture Employer shall post at the worksite and provide to each ~~inmate-employee~~ incarcerated employee a notice of applicable employment laws and relevant Labor Code provisions.

(f) The total daily hours worked by ~~inmate-employees~~ incarcerated employees in the same job classification as ~~non-inmate~~ non-incarcerated employees of the same Joint Venture Employer who are on strike or subject to lockout shall not exceed, for the duration of the strike, the average daily hours worked for the preceding six months, or if the Joint Venture Program has been in operation for less than six months, for the period of the operations. If the secretary determines upon receipt of written notification by the union representing the ~~non-inmate~~ non-incarcerated employees on strike or subject to lockout that such a condition exists, the limitation on ~~inmate-employee~~ incarcerated employee work hours shall be implemented within 48 hours.

(g) A separate ~~inmate~~ incarcerated person waiting list shall, if necessary, be maintained for each Joint Venture Program operation.

(1) An ~~inmate's~~ incarcerated person's inclusion on any waiting list for a Joint Venture Program operation shall not affect their status on any other waiting lists maintained by the facility until such time as the ~~inmate~~ incarcerated person is employed by the Joint Venture Employer.

(2) If the ~~inmate~~ incarcerated person refuses to work, quits, or is removed from the Joint Venture Program, they shall be immediately returned to their housing unit, temporarily unassigned and referred to a classification committee for placement either on a facility waiting list or, if they refuse to work, in a non-credit earning group pursuant to Title 15, CCR Section 3375.

(h) Wages earned by each ~~inmate~~ incarcerated person participating in a Joint Venture Program operation shall be subject to the following deductions, which shall not exceed 80 percent of the ~~inmate's~~ incarcerated person's gross wages:

(1) Federal, state and local taxes.

(2) Twenty percent of the ~~inmate's~~ incarcerated person's net wages after taxes shall be for any lawful restitution fine or contributions to any fund established by law compensate the victims of crime.

(3) Twenty percent of the ~~inmate's~~ incarcerated person's net wages after taxes shall be for costs of room and board which shall be remitted to the department.

(4) Twenty percent of the ~~inmate's~~ incarcerated person's net wages after taxes for allocations for support of family pursuant to state statute, court order, or agreement of the ~~inmate~~ incarcerated person. If the ~~inmate~~ incarcerated person chooses not to send money to a family member, and there is no court-ordered withholding, these funds will be deposited in mandatory savings.

(i) In addition to (h) of 3476, twenty percent of the ~~inmate's~~ incarcerated person's net wages after taxes shall be retained for the ~~inmate~~ incarcerated person in mandatory savings under the control of the department.

(1) Funds retained for an ~~inmate's~~ incarcerated person's mandatory savings shall be deposited in an interest bearing account.

(2) ~~Inmate-employees~~ Incarcerated employees who terminate from Joint Venture Program with a savings account balance of \$500 or less may voluntarily elect to close their account and have the balance forwarded to their institutional trust account in order to avoid account fees.

(3) Each ~~inmate's~~ incarcerated person's savings, plus the interest accrued by their savings, shall be provided to the ~~inmate~~ incarcerated person upon their release. ~~Inmate-employee~~ Incarcerated employee savings accounts are intended solely for the deposit of wages earned from employment with the JVE. Institution heads may authorize an earlier withdrawal of up to 50% of an ~~inmate's~~ incarcerated person's savings in cases where the ~~inmate~~ incarcerated person is sentenced to 15 years or more and the ~~inmate~~ incarcerated person has accrued \$6500 or more from Joint Venture wages in their account.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.8 and 5054, Penal Code.

Subchapter 5.1. ~~Inmate and Parolee~~ Incarcerated and Supervised Person Programs

Article 1. Administrative Remedies for ~~Inmates and Parolees~~ Incarcerated and Supervised Persons

Section 3480 is amended to read:

3480. Implementation Date and Definitions.

(a) The provisions of this Article shall apply to all ~~inmate and parolee~~ incarcerated and supervised person grievances received by the Department of Corrections and Rehabilitation on or after January 5, 2022.

Subsection 3480(b) remains unchanged.

(1) "Administrative remedy" means the non-judicial process provided by the department to address ~~inmate and parolee~~ incarcerated and supervised person complaints.

Subsections 3480(b)(2) through 3480(b)(5) remain unchanged.

(6) "Claimant" refers to an ~~inmate or parolee~~ incarcerated or supervised person under the custody or control of the Department who files a grievance or appeal with the Department.

Subsections 3480(b)(7) through 3480(b)(11) remain unchanged.

(12) "Routine claim" refers to any complaint submitted by an ~~inmate or parolee~~ incarcerated or supervised person that does not involve a claim of staff misconduct as defined in this section.

Subsection 3480(b)(13) remains unchanged.

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

Section 3481 is amended to read:

3481. Claimant's Ability to Grieve and to Appeal.

Subsections 3481(a) through 3481(b) remain unchanged.

(1) The Institutional Reviewing Authorities authorized to grant or deny routine claims in a grievance received by an ~~inmate~~ incarcerated person shall be of a rank no lower than a Chief Deputy Warden. The Director of the Division of Adult Institutions may also authorize an Associate Warden to serve as an Institutional Reviewing Authority. This authorization shall be in writing and shall indicate the start date and end date of the assignment.

(2) The Regional Reviewing Authorities authorized to grant or deny routine claims in a grievance submitted by a ~~parolee~~ supervised person shall be of a rank no lower than a Chief Deputy Parole Administrator. The Director of the Division of Adult Parole Operations may also authorize an Assistant Regional Administrator to serve as a Regional Reviewing Authority. This authorization shall be in writing and shall indicate the start date and end date of the assignment.

(3) The Secretary shall appoint the Reviewing Authority authorized to grant or deny each claim in an appeal submitted by an ~~inmate or a parolee~~ incarcerated or supervised person, but in no case shall that official be of a rank lower than the Associate Director of the Office of Appeals. The Secretary may also authorize the Associate Warden of the Office of Appeals to serve as a Reviewing Authority. This authorization shall be in writing and shall indicate the start date and end date of the assignment.

Subsections 3481(c) through 3481(d) remain unchanged.

(e) A claimant does not have the right to grieve or appeal a policy, decision, action, condition, or omission that was not made by the department or departmental staff but instead was made by an entity or official outside of the department, including, but not limited to, a county jail, a private hospital, the Department of State Hospitals, or the Interstate Commission for Adult Offender Supervision; nor by an entity or official that is quasi-independent of the department, including, but not limited to, the Board of Parole Hearings, the Prison Industry Authority, or the Commission on Correctional Peace Officer Standards and Training. This article does not preclude a claimant from filing a complaint with the outside entity or official.

(f) CDCR Form 602-1 (Rev. 01/22), "Grievance," hereby incorporated by reference, shall be made available to ~~inmates~~ incarcerated persons in all housing units and in all prison law libraries and to ~~parolees~~ supervised persons at all parole offices statewide.

Subsection 3481(g) remains unchanged.

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

Section 3482 is amended to read:

3482. Preparation and Submittal of a Grievance.

Subsection 3482(a) remains unchanged.

(1) An ~~inmate~~ incarcerated person who wishes to submit a grievance shall do so in writing to the Institutional Office of Grievances at the prison, or to the Institutional Office of Grievances designated for the re-entry facility or fire camp where they are housed. Every Warden, in

consultation with the Director of the Division of Adult Institutions, shall issue a separate local rule in compliance with subdivision (c) of section 5058 of the Penal Code which shall be made available in all the law libraries at that institution, identifying the address where grievances may be mailed, the availability of electronic kiosks or tablets for submitting grievances, the physical location in each housing unit of all lock-boxes where grievances may be submitted, and the specific departmental staff permitted to collect grievances from those lock-boxes. Grievances shall be collected from lock-boxes at least once per business day by departmental staff not regularly assigned to that housing unit. Additional local processes and procedures regarding the preparation and submittal of a grievance may be promulgated by the Division of Adult Institutions so long as they are consistent with this Article, pursuant to Penal Code section 5058(c)(1).

(2) A ~~parolee~~ supervised person who wishes to submit a grievance shall do so in writing to the Regional Office of Grievances in the parole region where they are supervised. Every Regional Parole Administrator, in consultation with the Director of the Division of Adult Parole Operations, shall issue a written advisement to a ~~parolee~~ supervised person within 15 calendar days of the ~~parolee's~~ supervised person's release from prison identifying the address where grievances may be mailed, the availability of electronic kiosks or tablets for submitting grievances, and the physical location where grievances may be submitted. Additional local processes and procedures regarding the preparation and submittal of a grievance may be promulgated by the Division of Adult Parole Operations so long as they are consistent with this Article, pursuant to Penal Code section 5058(c)(1).

Subsections 3482(b) through 3482(b)(1) remain unchanged.

(2) The time limit for a ~~parolee~~ supervised person to submit a grievance shall not be extended while the ~~parolee~~ supervised person is on suspended status, meaning the ~~parolee~~ supervised person has absconded.

Subsections 3482(b)(3) through 3482(f) remain unchanged.

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

Section 3483 is amended to read:

3483. Grievance Review.

Subsections 3483(a) through 3483(g)(4)(F) remain unchanged.

(G) An allegation against an ~~inmate or parolee~~ incarcerated or supervised person shall be redirected to a staff member designated by the Hiring Authority for a response;

Subsections 3483(g)(5) through 3483(g)(6)(D) remain unchanged.

(E) the claim disputes or contravenes the regulatory framework for the grievance and appeal process itself (specifically, Title 15, Subchapter 5.1, Article 1, Administrative Remedies for ~~Inmates and Parolees~~ Incarcerated and Supervised Persons);

Subsections 3483(g)(7) through 3483(l)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; and Section 35.107, Title 28, Code of Federal Regulations.

Section 3484 is amended to read:

3484. Preparation and Submittal of an Appeal.

Subsections 3484(a) through 3484(b)(1) remain unchanged.

(2) The time limit for a ~~parolee~~ supervised person to submit an appeal shall not be extended while on suspended status, meaning the ~~parolee~~ supervised person has absconded.

Subsections 3484(b)(3) through 3484(f) remain unchanged.

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

Section 3485 is amended to read:

3485. Appeal Review.

Subsections 3485(a) through 3485(g)(6)(D) remain unchanged.

(E) the claim disputes or contravenes the regulatory framework for the grievance and appeal process itself (specifically, Title 15, Subchapter 5.1, Article 1, Administrative Remedies for ~~Inmates and Parolees~~ Incarcerated and Supervised Persons);

Subsections 3485(g)(7) through 3485(l)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; and Section 35.107, Title 28, Code of Federal Regulations.

Article 1.5. Staff Misconduct Complaints

Section 3486 is amended to read:

3486. Allegations of Staff Misconduct Toward an ~~Inmate or Parolee~~ Incarcerated or Supervised Person.

Subsections 3486(a) through 3486(a)(1) remain unchanged.

(A) CDCR Form 602-1, Grievance, (Rev. 01/22), which is incorporated by reference, may be submitted by ~~inmates and parolees~~ incarcerated and supervised persons pursuant to sections 3482(a)(1) and 3482(a)(2) respectively.

(B) CDCR Form 602-HC, Health Care Grievance, (Rev. ~~07/2410/18~~), which is incorporated by reference, may be submitted by ~~inmates and parolees~~ incarcerated and supervised persons pursuant to section 3999.226(a).

Subsection 3486(a)(1)(C) remains unchanged.

(2) Staff shall not retaliate against a ~~complainant~~ reporting party or witness for submitting a complaint or reporting staff misconduct.

Subsections 3486(a)(3) remains unchanged.

(b) If a complaint alleging staff misconduct is submitted on a CDCR Form 1824, Reasonable Accommodation Request, (Rev. ~~07/249/17~~), which is incorporated by reference, it will be processed pursuant to sections 3482(a)(1) and 3482(a)(2).

Subsections 3486(c)(1) through 3486(c)(2) remain unchanged.

(3) “Allegation Investigation Unit” (AIU) refers to the unit within the Office of Internal Affairs (OIA) that conducts investigations into complaints alleging misconduct toward ~~inmates and parolees~~ incarcerated and supervised persons as set forth in section 3486.2, and reviews allegation inquiry reports completed by LDIs.

Subsection 3486(c)(4) remains unchanged.

(5) “*Armstrong* class member” refers to an ~~inmate~~ incarcerated person who is a class member under the federal court decree in *Armstrong v. Newsom* (previously: *Armstrong v. Schwarzenegger*).

(6) “Centralized Screening Team” (CST) refers to the entity that reviews documentation to determine if the documentation contains a Routine Issue, alleges misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person, or alleges misconduct not involving an ~~inmate or parolee~~ incarcerated or supervised person.

Subsections 3486(c)(7) through 3486(c)(8) remain unchanged.

(9) “~~Complainant~~ Reporting Party” refers to the person making a complaint against departmental staff.

Subsections 3486(c)(10) through 3486(c)(11) remain unchanged.

(12) “Disabled ~~Inmates~~ Incarcerated Persons” as used in Article 1.5, Staff Misconduct Allegations, refers to all *Armstrong* class members, and ~~inmates~~ incarcerated persons in the Mental Health Services Delivery System at the Enhanced Out Patient level of care or higher (i.e., Psychiatric Inpatient Program and Mental Health Crisis Bed).

Subsections 3486(c)(13) through 3486(c)(20) remain unchanged.

(21) “Screening Decision” refers to the decision made by the CST of whether a complaint contains a Routine Issue, allegation(s) of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person, or allegation(s) of staff misconduct not related to an ~~inmate or parolee~~ incarcerated or supervised person. If the complaint contains allegation(s) of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person which include complex issues requiring specialized investigative skills or resources, CST shall refer the allegations to AIU for investigation. If the complaint contains allegation(s) of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person which do not include complex issues requiring specialized investigative skills or resources, CST shall refer the allegations to the hiring authority for an Allegation Inquiry.

Subsections 3486(c)(22) through 3486(d) remain unchanged.

(1) Allegations of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person involving Use of Force and Prison Rape Elimination Act (PREA) complaints for all facilities and parole regions statewide, shall be referred to AIU (formerly known as AIMS) for an allegation inquiry.

(2) CDCR Form 602-1, Grievances, (Rev. 01/22) for all facilities and parole regions statewide shall be screened by CST, and allegations of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person requiring specialized investigative skills or resources as described in subsection 3486(c)(21), shall be referred to AIU (formerly known as AIMS) for an allegation inquiry.

(3) CDCR Form 602-1, Grievances for all facilities and parole regions statewide shall be screened by CST, and allegations of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person not requiring specialized investigative skills or resources as described in subsection 3486(c)(21), will be referred to the Hiring Authority for assignment to an LDI for an allegation inquiry, unless CST refers to AIU (formerly known as AIMS) for an allegation inquiry.

(4) For the following institutions, allegations of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person contained in a CDCR Form 602-1, as set forth in subsection 3486.1(h):

Subsections 3486(d)(4)(A) through 3486(d)(4)(F) remain unchanged.

(5) For allegations of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person, contained in a CDCR Form 602-1 at the following institutions, assigned to an LDI for an allegation inquiry, the allegation inquiry report shall be reviewed and approved as set forth in subsection 3486.2(c)(4):

Subsections 3486(d)(5)(A) through 3486(d)(5)(F) remain unchanged.

(6) For CDCR Form 602-HC, Health Care Grievances, (Rev. ~~07/2410/18~~); CDCR Form 1824, Reasonable Accommodation Requests, (Rev. ~~07/2409/17~~); and all Third Party Complaints (e.g., citizen complaints, staff, ombudsman, advocacy letters and any related interviews, etc.) that contains an allegation of staff misconduct towards an *Armstrong* Class Member at the Richard J Donovan Correctional Facility, and disabled ~~inmates~~ incarcerated persons as defined in section 3486(b)(13) at the following institutions, shall be reviewed by the institution and if the complaint contains an allegation of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person, the institution shall refer the complaint to CST for screening and disposition as set forth in subsections 3486.1(h) and 3486.2(c)(4):

Subsections 3486(d)(6)(A) through 3486(d)(6)(E) remain unchanged.

(7) Beginning on January 1, 2023, for allegations of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person, contained in a CDCR Form 602-1, assigned to an LDI for an allegation inquiry, the allegation inquiry report shall be reviewed and approved as set forth in subsection 3486.2(c)(4).

(8) Beginning on March 1, 2023, allegations of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person from all institutions and parole regions, contained in a CDCR Form 602-1, requiring specialized investigative skills or resources as described in subsection 3486(c)(21), shall be referred to AIU for investigation as set forth in subsection 3486.2(b).

Subsections 3486(d)(9) through 3486(d)(11) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW; *Madrid v. Woodford*, Special Masters Final Report Re: Department of Corrections Post Powers Investigations and Employee Discipline; Case No. C90-3094-T.E.H.; *Madrid v. Woodford*, Order; and Case No. C90-3094-T.E.H. Class Action.

Section 3486.1 is amended to read:

3486.1. Centralized Screening.

(a) If departmental staff receives a written complaint from a ~~complainant~~ reporting party alleging staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person, the department staff receiving the complaint shall refer the complaint to CST and notify their supervisor to determine if it contains information constituting an imminent risk to personal safety, institutional security, or involves sexual abuse or acts of sexual misconduct as defined by the federal Prison Rape Elimination Act (PREA) and the California Sexual Abuse in Detention Elimination Act.

(b) Allegations of staff misconduct not involving an ~~inmate or parolee~~ incarcerated or supervised person shall not be referred to CST. If a complaint is received by CST that does not contain allegations involving misconduct towards an ~~inmate or parolee~~ incarcerated or supervised person, CST shall refer the complaint to the Hiring Authority for disposition.

Subsection 3486.1(c) remains unchanged.

(1) If a hiring authority receives a complaint of misconduct, that does not involve departmental staff, the hiring authority shall advise the ~~complainant~~ reporting party that the subject of the complaint is not employed by CDCR and is outside the department's jurisdiction.

(2) For all allegations of misconduct, excluding sexual abuse or sexual misconduct allegations as defined in PREA, the ~~complainant~~ reporting party shall be advised to file a complaint directly with the appropriate outside entity.

(3) For allegations of sexual abuse or sexual misconduct as defined by PREA, the hiring authority receiving the complaint shall notify the appropriate outside entity of the allegations as required by law, and inform the ~~complainant~~ reporting party of this referral.

Subsection 3486.1(d) remains unchanged.

(1) Department staff shall document in writing any verbal complaints received that involve an allegation that an ~~inmate or parolee~~ incarcerated or supervised person was subject to unnecessary or excessive use of force, staff-on-offender sexual misconduct, or sexual harassment. The departmental staff receiving the complaint shall refer the complaint to CST, and immediately forward the complaint to their hiring authority. If the subject of the complaint is a hiring authority, the allegation shall be referred to the hiring authority's supervisor.

(2) For all other verbal complaints, departmental staff shall provide the ~~complainant~~ reporting party with information on how to submit their complaint in writing.

Subsections 3486.1(e) through 3486.1(g) remain unchanged.

(h) When an allegation of staff misconduct toward an ~~inmate or parolee~~ incarcerated or supervised person is identified by CST, CST shall make a screening decision. If CST's screening decision is to refer the complaint to the hiring authority for an allegation inquiry, and the subject of the complaint is the hiring authority, CST shall refer the allegation(s) to the hiring authority's supervisor.

(i) If CST returns a complaint to the hiring authority as a routine issue, and the hiring authority identifies an allegation of staff misconduct towards an ~~inmate or parolee~~ incarcerated or supervised person, the hiring authority shall refer the complaint and any supporting materials to CST for a screening decision.

Subsections 3486.1(j) through 3486.1(k) remains unchanged.

(l) The ~~complainant~~ reporting party shall be notified in writing that their complaint has been received by CST within thirty (30) calendar days of receipt.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644 and 5054, Penal Code; 28 CFR Part 115, Code of Federal Regulations; *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW; *Madrid v. Woodford*, Special Masters Final Report Re: Department of Corrections Post Powers Investigations and Employee Discipline; Case No. C90-3094-T.E.H; *Madrid v. Woodford*, Order; and Case No. C90-3094-T.E.H. Class Action.

Section 3486.2 is amended to read:

3486.2. Staff Misconduct Investigations and Allegation Inquiries Involving Misconduct toward ~~Inmates or Parolees~~ Incarcerated or Supervised Persons.

Subsections 3486.2(a) through 3486.2(b)(1) remain unchanged.

(2) AIU investigators shall conduct an investigation for all allegations of staff misconduct toward ~~inmates or parolees~~ incarcerated or supervised persons referred to AIU by CST.

Subsections 3486.2(b)(3) through 3486.2(c)(4)(D) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW; *Madrid v. Woodford*, Special Masters Final Report Re: Department of Corrections Post Powers Investigations and Employee Discipline; Case No. C90-3094-T.E.H; *Madrid v. Woodford*, Order; and Case No. C90-3094-T.E.H. Class Action.

Section 3486.3 is amended to read:

3486.3. Staff Misconduct Determination Notification.

(a) The hiring authority shall notify the ~~complainant~~ reporting party, in writing, of the finding(s) of the original complaint within thirty (30) calendar days of the determination of the disposition of the complaint.

Subsection 3486.3(a)(1) remains unchanged.

(2) Information related to any personnel action shall not be conveyed to the ~~complainant~~ reporting party in the matter.

Subsection 3486.3(b) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94-cv-02307-CW; *Madrid v. Woodford*, Special Masters Final Report Re: Department of Corrections Post Powers Investigations and Employee Discipline; Case No. C90-3094-T.E.H; *Madrid v. Woodford*, Order; and Case No. C90-3094-T.E.H. Class Action.

Article 2. Research Involving ~~Inmates or Parolees~~ Incarcerated or Supervised Persons

Section 3488 is amended to read:

3488. Research.

(a) No research shall be conducted on ~~inmates or parolees~~ incarcerated or supervised persons without approval of the research advisory committee established to oversee research activities within the department. Members of the research advisory committee shall be named by the Secretary, and may include departmental staff and nondepartmental persons who are community academic representatives engaged in criminal justice research.

Subsections 3488(b) through 3488(b)(9) remain unchanged.

(10) An estimate of the ~~inmate or parolee~~ incarcerated or supervised person subjects' time needed for the project and a plan for the compensation of the ~~inmates or parolees~~ incarcerated or supervised persons.

Subsection 3488(b)(11) through 3488(d) remains unchanged.

NOTE: Authority cited: Sections 3509.5, 3517 and 5058, Penal Code. Reference: Sections 3500-3524 and 5054, Penal Code.

Subchapter 5.5. Parole Consideration

Article 1. Parole Consideration for Determinately-Sentenced Nonviolent Offenders

Section 3490 is amended to read:

3490. Definitions.

For the purposes of this article, the following definitions shall apply:

(a) An ~~inmate~~ incarcerated person is a “determinately-sentenced nonviolent offender” if the ~~inmate~~ incarcerated person was sentenced to a determinate term and none of the following are true:

- (1) The ~~inmate~~ incarcerated person is condemned to death;
- (2) The ~~inmate~~ incarcerated person is currently incarcerated for a term of life without the possibility of parole;
- (3) The ~~inmate~~ incarcerated person is currently serving a term of life with the possibility of parole;
- (4) The ~~inmate~~ incarcerated person is currently serving a determinate term prior to beginning a term of life with the possibility of parole or prior to beginning a term for an in-prison offense that is a “violent felony;”
- (5) The ~~inmate~~ incarcerated person is currently convicted of and is sentenced to a term of incarceration for a “violent felony,” including a term for which a violent felony sentence was stayed under Penal Code section 654; or
- (6) The ~~inmate~~ incarcerated person is currently serving a term of incarceration for a nonviolent felony offense after completing a concurrent determinate term for a “violent felony.”

(b) Notwithstanding subsection (a), a “determinately-sentenced nonviolent offender” includes an ~~inmate~~ incarcerated person who has completed a determinate or indeterminate term of incarceration and is currently serving a determinate term for an in-prison offense that is not a “violent felony.”

Subsections 3490(c) through 3490(d) remain unchanged.

(e) “Full term” means the actual number of days, months, and years imposed by the sentencing court for the ~~inmate’s~~ incarcerated person’s primary offense, not including any sentencing credits.

(f) A “nonviolent parole eligible date” is the date on which a nonviolent offender who is eligible for parole consideration under section 3491 has served the full term of their primary offense, less any actual days served prior to sentencing as ordered by the court under section 2900.5 of the Penal Code and any actual days served in custody between sentencing and the date the ~~inmate~~ incarcerated person is received by the department.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a); Section 1170.1(c), Penal Code; *In re Canady* (2019) 57 Cal.App.5th 1022; *In re Pope* (2010) 50 Cal.4th 777; *In re Tate* (2006) 135 Cal.App.4th 756; and *In re Thompson* (1985) 172 Cal.App.3d 256.

Section 3491 is amended to read:

3491. Eligibility Review.

Subsection 3491(a) remains unchanged.

(b) Notwithstanding subsection (a), an ~~inmate~~ incarcerated person is not eligible for parole consideration by the Board of Parole Hearings under Article 15 of Chapter 3 of Division 2 of this title if any of the following apply:

(1) The ~~inmate~~ incarcerated person is an indeterminately-sentenced nonviolent offender as defined in section 3495, in which case they may be eligible for parole consideration under Article 2 of this subchapter; or

(2) Within one year of the date of the eligibility review, the ~~inmate~~ incarcerated person will be eligible for a parole consideration hearing under Section 3051 or 3055 of the Penal Code or the ~~inmate~~ incarcerated person has already been scheduled for an initial parole consideration hearing under Section 3051 or 3055 of the Penal Code.

(c) The department shall complete an eligibility review within 60 calendar days of an ~~inmate’s~~ incarcerated person’s admission to the department.

(d) The department shall conduct a new eligibility review whenever an official record, such as an amended abstract of judgment or minute order, is received that affects the ~~inmate’s~~ incarcerated person’s eligibility under this article, when an ~~inmate~~ incarcerated person begins serving a determinate term for an in-prison offense that is not a violent felony, or when an ~~inmate~~ incarcerated person is within one year of being eligible for a parole consideration hearing under Section 3051 or 3055 of the Penal Code.

Subsection 3491(e) remains unchanged.

(1) The department shall determine if the ~~inmate~~ incarcerated person is eligible for parole consideration by the Board of Parole Hearings under subsections (a) and (b) of this section.

(2) If the ~~inmate~~ incarcerated person is eligible for parole consideration by the Board of Parole Hearings under subsections (a) and (b), the department shall identify the ~~inmate’s~~ incarcerated person’s primary offense, as defined in subsection 3490(d) of this article.

(A) If at the time of the eligibility review the ~~inmate~~ incarcerated person is serving a term or terms for crimes committed prior to their arrival to prison, the terms for any in-prison crimes shall not be considered when identifying the ~~inmate's~~ incarcerated person's primary offense.

(B) If at the time of the eligibility review the ~~inmate~~ incarcerated person is serving a term or terms for crimes committed after their arrival to prison, only the terms for all in-prison crimes currently being served or yet to be served shall be considered when identifying the ~~inmate's~~ incarcerated person's primary offense.

(3) If the ~~inmate~~ incarcerated person is eligible for parole consideration by the Board of Parole Hearings under subsections (a) and (b), the department shall establish the ~~inmate's~~ incarcerated person's nonviolent parole eligible date, as defined in subsection 3490(f) of this article.

(f) Eligibility reviews under this section shall be served on the ~~inmate~~ incarcerated person and placed in the ~~inmate's~~ incarcerated person's central file within 15 business days of being completed.

Subsection 3491(g) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a); and *In re Gadlin* (2020) 10 Cal.5th 915.

Section 3492 is amended to read:

3492. Eligibility Review and Referral to the Board of Parole Hearings.

Subsection 3492(a) remains unchanged.

(b) A review for possible referral to the Board under subsection (a) shall be conducted again one year from the date of the ~~inmate's~~ incarcerated person's previous review for referral until the ~~inmate~~ incarcerated person is released from custody or is no longer eligible for parole consideration under Section 3491.

(c) Referral results under subsection (a) shall be served on the ~~inmate~~ incarcerated person and placed in the ~~inmate's~~ incarcerated person's central file within 15 business days of being completed and, if the ~~inmate~~ incarcerated person is referred to the Board of Parole Hearings, the ~~inmate~~ incarcerated person shall be provided information about the nonviolent offender parole process, including the opportunity to submit a written statement to the Board of Parole Hearings.

Subsection 3492(d) remains unchanged.

(e) ~~Inmates~~ Incarcerated persons who were ineligible for referral to the Board of Parole Hearings under the former public safety screening criteria shall be reviewed again under subsection (a), unless they are no longer eligible for parole consideration under Section 3491 or have been released.

Subsection 3492(f) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a); and *In re Gadlin* (2020) 10 Cal.5th 915.

Section 3493 is amended to read:

3493. Processing for Release.

If an ~~inmate~~ incarcerated person is approved for release by the Board of Parole Hearings under Section 2449.4 of Division 2 of this title and the decision is not vacated or overturned by the Board of Parole Hearings, the Division of Adult Institutions shall release the ~~inmate~~ incarcerated person 60 calendar days from the date of the Board of Parole Hearings' decision unless the ~~inmate~~ incarcerated person has an additional term to serve for an in-prison offense. ~~Inmate~~ incarcerated person released pursuant to this section shall be released in accordance with Section 4755 of the Penal Code, Section 3075.2 of this title, and any other procedures required by law, including required notifications to victims and law enforcement agencies.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a).

Article 2. Parole Consideration for Indeterminately-Sentenced Nonviolent Offenders

Section 3495 is amended to read:

3495. Definitions.

Introductory language remains unchanged.

(a) An ~~inmate~~ incarcerated person is an “indeterminately-sentenced nonviolent offender” if the ~~inmate~~ incarcerated person was sentenced to an indeterminate term and none of the following is true:

- (1) The ~~inmate~~ incarcerated person is condemned to death;
- (2) The ~~inmate~~ incarcerated person is currently incarcerated for a term of life without the possibility of parole;
- (3) The ~~inmate~~ incarcerated person is currently convicted of a “violent felony” and is sentenced to a term of life with the possibility of parole, including a term for which a violent felony sentence was stayed under Penal Code section 654;
- (4) The ~~inmate~~ incarcerated person is currently serving a determinate term prior to beginning a term of life with the possibility of parole for a “violent felony;”
- (5) The ~~inmate~~ incarcerated person is currently serving an indeterminate term of incarceration for a nonviolent felony offense after completing a concurrent or consecutive determinate term for a “violent felony;”
- (6) The ~~inmate~~ incarcerated person is currently sentenced to a “violent felony” for an in-prison offense; or
- (7) The ~~inmate~~ incarcerated person has completed an indeterminate term of incarceration and is currently serving a determinate term for an in-prison offense.

(b) Notwithstanding subsection (a), an “indeterminately-sentenced nonviolent offender” includes an ~~inmate~~ incarcerated person who has completed a determinate term of incarceration and is currently serving an indeterminate term for an in-prison offense that is not a “violent felony.”

Subsection 3495(c) remains unchanged.

(d) “Primary offense” means the single crime for which any sentencing court imposed the longest term of imprisonment, excluding all enhancements, alternative sentences, and consecutive sentences. For purposes of determining the primary offense under this section, the term of imprisonment for ~~inmates~~ incarcerated persons sentenced to a life term under an alternative sentencing scheme for a nonviolent crime shall be the maximum term applicable by statute to the underlying nonviolent offense.

(e) “Full term” means the actual number of days, months, and years for the ~~inmate's~~ incarcerated person's primary offense, not including any sentencing credits.

(f) A “nonviolent parole eligible date” is the date on which an indeterminate-sentenced nonviolent offender who is eligible for a parole consideration hearing under Section 3496 has served the full term of their primary offense, less any actual days served prior to sentencing as ordered by the court under Section 2900.5 of the Penal Code and any actual days served in custody between sentencing and the date the ~~inmate~~ incarcerated person is received by the Department.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a); Section 1170.1(c), Penal Code; *In re Canady* (2019) 57 Cal.App.5th 1022; *In re Edwards* (2018) 26 Cal.App.4th 1181; *In re Pope* (2010) 50 Cal.4th 777; *In re Tate* (2006) 135 Cal.App.4th 756; and *In re Thompson* (1985) 172 Cal.App.3d 256.

Section 3496 is amended to read:

3496. Eligibility Review.

Subsection 3496(a) remains unchanged.

(b) The Department shall complete an eligibility review within 60 calendar days of an ~~inmate's~~ incarcerated person's admission to the Department.

(c) The Department shall conduct a new eligibility review whenever an official record, such as an amended abstract of judgment or minute order, is received that affects the ~~inmate's~~ incarcerated person's eligibility under this article or when an ~~inmate~~ incarcerated person begins serving a term for one or more in-prison offenses of which at least one is an indeterminate term and none is for a “violent felony.”

Subsection 3496(d) remains unchanged.

(1) The Department shall determine if the ~~inmate~~ incarcerated person is eligible for a parole consideration hearing by the Board of Parole Hearings under subsection (a) of this section.

(2) If the ~~inmate~~ incarcerated person is eligible for a parole consideration hearing by the Board of Parole Hearings under subsection (a), the Department shall identify the ~~inmate's~~ incarcerated person's primary offense, as defined in subsection 3495(d) of this article.

(A) If at the time of the eligibility review the ~~inmate~~ incarcerated person is serving a term or terms for crimes committed prior to their arrival to prison that are not a violent felony, the terms for any in-prison crimes that are not a violent felony shall be considered when identifying the ~~inmate's~~ incarcerated person's primary offense.

(B) If at the time of the eligibility review the ~~inmate~~ incarcerated person is serving a term or terms for crimes committed after their arrival to prison that are not a violent felony, only the terms for all in-prison crimes that are not a violent felony currently being served or yet to be served shall be considered when identifying the ~~inmate's~~ incarcerated person's primary offense.

(3) If the inmate incarcerated person is eligible for a parole consideration hearing by the Board of Parole Hearings under subsection (a), the Department shall establish the inmate's incarcerated person's nonviolent parole eligible date, as defined in subsection 3495(f) of this article.

(e) Eligibility reviews under this section shall be served on the inmate incarcerated person and placed in the inmate's incarcerated person's central file within 15 business days of being completed.

(f) Eligibility reviews under this section are subject to the Department's inmate incarcerated person appeal process in accordance with Article 8 of Chapter 1 of this Division.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a); and *In re Gadlin* (2020) 10 Cal.5th 915.

Section 3497 is amended to read:

3497. Referral to the Board of Parole Hearings.

(a) Inmates Incarcerated persons determined to be eligible for a parole consideration hearing under Section 3496 shall be referred to the Board of Parole Hearings at least 180 calendar days prior to their nonviolent parole eligible date unless they have previously been scheduled for a parole consideration hearing under any other provision of law or will be eligible for a parole consideration hearing under any other provision of law within the next 12 months.

(b) Inmates Incarcerated persons who are eligible for referral under this section shall be referred to the Board of Parole Hearings for a parole consideration hearing under Article 16 of Chapter 3 of Division 2 of this title.

(c) Referral results shall be served on the inmate incarcerated person and placed in the inmate's incarcerated person's central file within 15 business days of being completed and, if the inmate incarcerated person is deemed eligible for referral to the Board of Parole Hearings, ~~he or she~~ they shall be provided information about the parole consideration hearing process.

(d) Referral results under this section are subject to the Department's inmate incarcerated person appeal process in accordance with Article 8 of Chapter 1 of this Division.

Subsection 3497(e) remains unchanged.

NOTE: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a); and *In re Gadlin* (2020) 10 Cal.5th 915.

Article 3. Parole Consideration for Youth Offenders

Section 3498.1 is amended to read:

3498.1. Youth Offender Defined.

(a) A youth offender is an inmate incarcerated person who meets all of the following criteria:

(1) The inmate incarcerated person was convicted of a controlling offense that was committed before the inmate incarcerated person attained 26 years of age;

(2) The inmate incarcerated person was sentenced to a determinate term or a term of life with the possibility of parole for the inmate's incarcerated person's controlling offense; and

(3) The inmate incarcerated person is currently incarcerated for the controlling offense or group of offenses that includes the controlling offense.

(b) Notwithstanding (a), a youth offender is also an inmate incarcerated person who meets all of the following criteria:

(1) The inmate incarcerated person was convicted of a controlling offense that was committed before the inmate incarcerated person attained 18 years of age;

(2) The inmate incarcerated person was sentenced to a term of life without the possibility of parole for the inmate's incarcerated person's controlling offense; and

(3) The inmate incarcerated person is currently incarcerated for the inmate's incarcerated person's controlling offense or group of offenses that includes the controlling offense.

(c) For purposes of determining whether an inmate incarcerated person qualifies as a youth offender, the "controlling offense" is the single crime or enhancement for which any sentencing court imposed the longest term of imprisonment.

(d) Notwithstanding subsections (a) and (b), inmates incarcerated persons who meet one or more of the following criteria are excluded from the definition of a youth offender:

(1) The inmate incarcerated person is sentenced to death;

(2) The inmate incarcerated person is sentenced to a term of life without the possibility of parole for an offense committed after the inmate incarcerated person attained 18 years of age;

(3) The inmate incarcerated person was sentenced on the controlling offense for a prior felony conviction under Penal Code section 1170.12 or Penal Code section 667, subsections (b) through (i);

(4) The inmate incarcerated person was convicted of any offense after attaining 26 years of age for which "malice aforethought" is a necessary element of the offense; or

(5) The inmate incarcerated person, after attaining 26 years of age, committed an additional crime for which the inmate incarcerated person is sentenced to a term of life in prison.

(e) If two or more crimes or enhancements carry identical sentence lengths and are the inmate's incarcerated person's longest terms of imprisonment, the controlling offense shall be determined as follows:

(1) If none of the sentences were imposed under Penal Code section 1170.12, or Penal Code section 667, subsections (b) through (i), the controlling offense is whichever offense the inmate incarcerated person committed first in time.

Subsection 3498.1(e)(2) remains unchanged.

(f) If a sentence is imposed on a crime under Penal Code sections 1170.12, or Penal Code section 667, subsections (b) through (i), but the crime is not the controlling offense, the inmate incarcerated person is a youth offender notwithstanding subsection (d) of this section.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667, 667.61, 1170.12, 1213, 2900, 2900.5, 2901, 3051 and 5054, Penal Code.

Section 3498.2 is amended to read:

3498.2. Youth Offender Determinations.

(a) The department's Correctional Case Records Services determines whether an inmate incarcerated person qualifies as a youth offender as defined in section 3498.1 of this article, and

calculates Youth Parole Eligible Dates (YPED) for all ~~inmates~~ incarcerated persons who qualify as youth offenders. For purposes of this article, both determinations are referred to as “youth offender determinations.”

Subsections 3498.8(b) through 3498.2(c) remain unchanged.

(d) Youth offender determinations are subject to the department's ~~Inmate~~ Incarcerated Person Appeal Process under Article 1 of subchapter 5.1 of Chapter 1 of Division 3 of this title.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1213, 2900, 2900.5, 2901, 3051 and 5054, Penal Code.

Article 4. Elderly Parole Program and Elderly Parole Eligible Date

Section 3499 is amended to read:

3499. Elderly Parole Program Determination.

(a) An ~~inmate~~ incarcerated person who qualifies for the statutory Elderly Parole Program pursuant to Penal Code 3055 is identified as an elderly ~~inmate~~ incarcerated person for the purpose of the statutory Elderly Parole Program if they meet all the following criteria:

Subsection 3499(a)(1) remains unchanged.

(2) Has served a minimum of 20 years of continuous incarceration on the ~~inmate's~~ incarcerated person's current sentence;

Subsections 3499(a)(3) through 3499(c) remain unchanged.

NOTE: Authority cited: Cal. Const., art. I, sec. 32; and Sections 2081.5, 3055, 5054, 5055 and 5058, Penal Code. Reference: Cal. Const., art. I, sec. 32; and Sections 2900, 2900.5, 2901, 3055 and 5054, Penal Code.

Section 3499.1 is amended to read:

3499.1. Elderly Parole Eligible Date (EPED) Determinations.

(a) An Elderly Parole Eligible Date (EPED) means the date on which an ~~inmate~~ incarcerated person who qualifies as an elderly offender is eligible for release from prison.

(b) The department's case records staff shall determine whether an ~~inmate~~ incarcerated person qualifies as an elderly ~~inmate~~ incarcerated person as defined in section 3499(a) for the purpose of calculating an EPED.

(c) The department's case records staff shall calculate the EPED within 60 calendar days of an ~~inmate's~~ incarcerated person's admission to the department.

(d) An EPED is the date an ~~inmate~~ incarcerated person, who meets the criteria to qualify as an elderly ~~inmate~~ incarcerated person for the statutory Elderly Parole Program, reaches 50 years of age and has served 20 years of continuous incarceration.

(1) For purposes of calculating an EPED, a break in custody shall include instances where an ~~inmate~~ incarcerated person:

(A) Escapes from custody; or

(B) Is released on their own recognizance or bail after sentencing for their current term.

(2) For purposes of calculating an EPED, a break in custody shall not include instances where an ~~inmate~~ incarcerated person:

Subsections 3499.1(d)(2)(A) through 3499.1(d)(2)(B) remain unchanged.

NOTE: Authority cited: Cal. Const., art. I, sec. 32; and Sections 2081.5, 3055, 5054, 5055 and 5058, Penal Code. Reference: Cal. Const., art. I, sec. 32; and Sections 2900, 2900.5, 2901, 3055 and 5054, Penal Code.

Section 3499.2 is amended to read:

3499.2. Elderly ~~Inmate~~ Incarcerated Person Determination Review.

If an ~~inmate~~ incarcerated person disagrees with a determination they are not qualified as an elderly ~~inmate~~ incarcerated person under section 3499.1 or disagrees with the calculation of their Elderly Parole Eligible Date (EPED), the ~~inmate~~ incarcerated person may submit a grievance by filing a CDCR Form 602-1 (Rev. 01/22), Grievance, pursuant to section 3482.

NOTE: Authority cited: Cal. Const., art. I, sec. 32; and Sections 2081.5, 3055, 5054, 5055 and 5058, Penal Code. Reference: Cal. Const., art. I, sec. 32; and Sections 2900, 2900.5, 2901, 3055 and 5054, Penal Code.

Subchapter 6. Adult Parole

Article 1. Parole Supervision

Section 3500 is amended to read:

3500. General Policy.

(a) Pursuant to the provisions of Penal Code (PC) section 3000, when an ~~inmate~~ incarcerated person is sentenced under PC section 1168 or 1170 by a court, the California Department of Corrections and Rehabilitation (CDCR) shall release the ~~inmate~~ incarcerated person on parole unless it is waived by the Board of Parole Hearings.

(b) Release on parole means the legal and physical transfer of an ~~inmate~~ incarcerated person from confinement in an institution to the supervision of a parole agent of the CDCR, Division of Adult Parole Operations.

(c) The function of parole is:

(1) To provide for the supervision and surveillance of ~~parolees~~ supervised persons, including the judicious use of revocation actions.

Subsections 3500(c)(2) through 3500(d) remain unchanged.

(1) Consistent effort will be made to ensure that the public is protected and the effectiveness of ~~inmate/parolee~~ incarcerated or supervised person treatment programs are within the framework of departmental security and safety.

Subsections 3500(d)(2) through 3500(d)(3) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1168, 1170, 3000 and 5054, Penal Code.

Section 3502 is amended to read:

3502. Prerelease Referral.

An ~~inmate's~~ incarcerated person's case shall be referred to the parole region for supervised parole program development 150 days prior to the expected release date, or immediately if less time remains.

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

Section 3504 is amended to read:

3504. Parole Assessment.

Subsections 3504(a) through 3504(a)(1)(A) remain unchanged.

(B) Each month one field contact at the ~~parolee's~~ supervised person's residence. The first face-to-face residential contact shall be within seven working days following release from custody.

Subsections 3504(a)(1)(C) through 3504 (a)(2)(A) remain unchanged.

(B) Each month one field contact at the ~~parolee's~~ supervised person's residence. The first face-to-face residential contact shall be within seven working days following release from custody.

Subsections 3504(a)(2)(C) through 3504(a)(3)(A) remain unchanged.

(B) Two face-to-face contacts per quarter, with at least one being at the ~~parolee's~~ supervised person's residence. One face-to-face contact at the ~~parolee's~~ supervised person's residence within fifteen workdays following release from custody.

Subsection 3504(a)(3)(C) remains unchanged.

(D) If anti-narcotic testing applies, felon parolees shall be tested twice every quarter and non-felon parolees two time each thirty days.

(E) ~~Parolees~~ Supervised persons who complete 180-days of satisfactory parole will automatically be assigned to the minimum supervision category. Exceptions to the automatic reduction shall include violent felony commitments described in PC section 667.5, PC section 290 registrants, cases generating extensive media or public attention, and STG members, as documented on CDCR Form 128-B2 (Rev. ~~06/14~~07/24) Security Threat Group Validation/Rejection Review, which is incorporated by reference.

(4) Minimum Supervision means the level of supervision based on commitment offense(s) and prior criminal history, and service needs and behavioral patterns. With the exception of parole outpatient clinic attendees and those cases/~~parolees~~ supervised persons identified in subsections (a)(1) and (a)(2), felon parolees who complete 180 days of satisfactory parole under control services supervision, absent a case review, shall be assigned to the minimum supervision level category unless the unit supervisor retains the case at the control services level.

One face-to-face contact shall be conducted in the month prior to discharge. If retained on parole, there shall be two field contacts annually.

(5) Collateral Contact means any communication with an individual concerning a ~~parolee~~ supervised person. Collateral contacts may be completed in person, via telephone, or by written or electronic medium.

(b) Upon their initial release from an institution/facility, ~~parolees supervised persons~~ shall not be placed on the minimum supervision level category. Upon their initial release, ~~parolees supervised persons~~ shall be placed in one of the following categories:

Subsections 3504(b)(1) through 3504(d) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 667.5(c), 3000.03 and 5054, Penal Code; and Sections 3151 and 3152, Welfare and Institutions Code.

Section 3504.2 is amended to read:

3504.2. Highest Control or Risk Classification Parole Reporting Requirements.

(a) ~~Inmates~~ Incarcerated persons meeting the criteria for assignment to the highest control or risk classification as provided in subsections 3504.1(a)-(a)(2), upon release from confinement in a State facility, are required to report to their assigned parole unit within two days (48 hours) from time of release.

(1) ~~Inmates~~ Incarcerated persons shall not be released to the community from a State facility on a Friday or the day before a legal holiday.

(2) If the ~~inmate's~~ incarcerate person's release date falls on a Friday or the day before a legal holiday, the ~~inmate~~ incarcerated person shall have ~~his or her~~ their scheduled release date adjusted.

Subsections 3504.2(b) through 3504.2(b)(11) remain unchanged.

(c) Any scheduled release date that is adjusted to a date that would not permit the ~~inmate~~ incarcerated person to report to ~~his or her~~ their assigned parole unit within 48 hours of release during normal business hours, will require the ~~inmate~~ incarcerated person to be seen by a parole agent during a weekend or holiday, within 48 hours of release.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3060.7 and 5054, Penal Code.

Section 3505 is amended to read:

3505. Non-Revocable Parole.

(a) ~~Inmate/parolees~~ Incarcerated or supervised persons who meet the following criteria shall be placed on non-revocable parole, as described in section 3000, and pursuant to Penal Code (PC) section 3000.03:

Subsections 3505(a)(1) through 3505(a)(8) remain unchanged.

(b) Notwithstanding any other provision of this Title, the department is not required to provide services or programs for ~~parolees supervised persons~~ on non-revocable parole.

(c) For purposes of this section, a serious disciplinary offense is defined as an act of misconduct during the current term of imprisonment, with the exception of possession of ~~inmate~~ incarcerated person manufactured alcohol, which resulted in a finding of guilt for a Division A through C offense pursuant to section 3323(a) through (e).

NOTE: Authority cited: Section 5058.3, Penal Code. Reference: Sections 3000.03, 3067 and 5054, Penal Code.

Article 2. Preventing ~~Parolee~~ Parole Crime Program

Section 3520 is amended to read:

3520. Preventing ~~Parolee~~ Parole Crime Program.

The California Department of Corrections and Rehabilitation (CDCR) operates Preventing ~~Parolee~~Parole Crime Program operations within the department pursuant to Penal Code (PC) section 3068. The program allows providers to provide ~~parolees~~ supervised persons with housing, sustenance, literacy training, drug treatment networks, job placement assistance, and other services as provided in this article. The purpose of the program is to prepare ~~parolees~~ supervised persons for a return to society by offering services that increase success while on parole.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3521 is amended to read:

3521. Preventing ~~Parolee~~ Parole Crime Program Components.

The Preventing ~~Parolee~~Parole Crime Program includes, but is not limited to, the following Component Programs:

(a) ~~Parolee~~Parole Service Center Program.

Subsections 3521(b) through 3521(e) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3521 is amended to read:

3521.1. ~~Parolee~~ Parole Service Center Program.

The ~~Parolee~~ Parole Service Center (PSC) Program provides residential, employment, and support services to ~~parolees~~ supervised persons to enable successful reintegration into the community.

(a) PSC facilities are used for residential placement of both male and female ~~parolees~~ supervised persons, based upon assessed need, on a sanctioned and non-sanctioned basis, meaning, non-sanctioned placement was not the result of an adjudicated parole violation and sanctioned placement was the result of an adjudicated parole violation at the parole unit level, or as a result of an action and referral by the parole authority. PSC facilities provide comprehensive residential programming and case management, including but not limited to, life skills training, anger and stress management, 52-week domestic violence class, family reintegration, health education classes, computer skills, job readiness and retention, and money management.

(b) All ~~parolees~~ supervised persons are eligible for placement in the PSC Program who voluntarily agree to participate in the program, except the following ~~parolees~~ supervised persons who shall be excluded:

(1) ~~Parolees~~ Supervised persons currently in need of detoxification.

(c) The following ~~parolees~~ supervised persons will be considered on a case-by-case basis for participation in the PSC Program:

(1) ~~Parolees~~ Supervised persons who have a past or current violent felony conviction pursuant to PC section 667.5(c).

(2) ~~Parolees~~ Supervised persons who have a current felony conviction pursuant to PC section 1192.7(c) and/or 1192.8.

(3) ~~Parolees~~ Supervised persons with a misdemeanor hold.

(4) ~~Parolees~~ Supervised persons who are designated as a Public Interest Case.

(5) ~~Parolees~~ Supervised persons who have a restraining order/court order and/or victim notification in the county of the PSC facility.

Subsection 3521.1(b)(6) remains unchanged.

(7) ~~Parolees~~ Supervised persons who are required to register pursuant to PC section 290 (sex offenders).

(8) ~~Parolees~~ Supervised persons who are in custody pending local criminal charge(s) which could result in continued incarceration.

(9) ~~Parolees~~ Supervised persons with a felony hold.

(10) ~~Parolees~~ Supervised persons with pending felony criminal charges.

(11) ~~Parolees~~ Supervised persons who are classified as Enhanced Outpatient Program.

(12) ~~Parolees~~ Supervised persons who are required to register pursuant to PC section 457.1 (arson offenders).

(13) Interstate cooperative ~~parolees~~ supervised person as defined in section 3000, Definitions.

(14) ~~Inmates~~ Incarcerated persons released to non-revocable parole as provided in section 3505.

(d) The PSC Program has an initial placement of 180-days, with the maximum stay not to exceed one year in accordance with subsection 3522(a)(1).

(e) ~~Parolees~~ Supervised persons shall be on active parole status while participating in the PSC Program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3068 and 5054, Penal Code.

Section 3521.2 is amended to read:

3521.2. Residential Multi-Service Center Program.

(a) The Residential Multi-Service Center (RMSC) Program's primary goal is to assist "at-risk" ~~parolees~~ supervised persons in becoming productive members of society through their reintegration into the community.

(b) The RMSC Program offers a variety of services to both male and female ~~parolees~~ supervised persons, based upon assessed need, that include housing, literacy training, sustenance, life skills, anger management, substance use disorder treatment, relapse prevention, and job preparation and retention.

(c) All ~~parolees~~ supervised persons are eligible for placement in the RMSC Program who voluntarily agree to participate in the program, except the following ~~parolees~~ supervised persons who shall be excluded:

(1) ~~Parolees~~ Supervised persons currently in need of detoxification.

(d) The following ~~parolees~~ supervised persons will be considered on a case-by-case basis for participation in the RMSC Program:

(1) ~~Parolees~~ Supervised persons who have a past or current violent felony conviction pursuant to PC section 667.5(c).

(2) ~~Parolees~~ Supervised persons who have a current felony conviction pursuant to PC section 1192.7(c) and/or 1192.8.

(3) ~~Parolees~~ Supervised persons with a misdemeanor hold.

(4) ~~Parolees~~ Supervised persons who are designated as a Public Interest Case.

(5) ~~Parolees~~ Supervised persons who have a restraining order/court order and/or victim notification in the county of the RMSC facility.

Subsection 3521.2(d)(6) remains unchanged.

(7) ~~Parolees~~ Supervised persons who are required to register pursuant to PC section 290 (sex offenders).

(8) ~~Parolees~~ Supervised persons who are in custody pending local criminal charge(s) which could result in continued incarceration.

(9) ~~Parolees~~ Supervised persons with a felony hold.

(10) ~~Parolees~~ Supervised persons with pending felony criminal charges.

(11) ~~Parolees~~ Supervised persons who are classified as Enhanced Outpatient Program.

(12) ~~Parolees~~ Supervised persons who are required to register pursuant to PC section 457.1 (arson offenders).

(13) Interstate cooperative ~~parolees~~ Supervised persons as defined in section 3000, Definitions.

(14) ~~Inmates~~ Incarcerated persons released to non-revocable parole as provided in section 3505.

(e) The RMSC Program offers an initial placement of up to six months of residence which includes participation in an aftercare program phase for up to 90 days. ~~Parolees~~ Supervised persons may be allowed to stay in residence up to a maximum of one year, as provided in section 3522(a)(1).

(f) ~~Parolees~~ Supervised persons shall be on active parole status while participating in the RMSC Program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3068 and 5054, Penal Code.

Section 3521.3 is amended to read:

3521.3. Day Reporting Center Program.

The Day Reporting Center (DRC) Program provides “one-stop” ~~parolee~~ supervised person resource centers. The DRC Program conducts a comprehensive intake evaluation and assessment on referral ~~parolees~~ supervised persons to determine their specific needs.

(a) Where available under the DRC Program, transitional housing shall be made available to eligible ~~parolees~~ supervised persons who have no existing housing arrangement, or are living in an environment which is not conducive to maintaining a drug, alcohol, and/or crime-free lifestyle.

Parolee Supervised person housing may be dormitory style or individual rooms. The transitional living environment must be clean and conducive to alcohol and drug-free living.

(b) All Parolees supervised persons are eligible for placement in the DRC Program who voluntarily agree to participate in the program, except the following parolees supervised persons who shall be considered on a case-by-case basis:

(1) Parolees Supervised persons who are required to register pursuant to PC section 290 (sex offenders).

(2) Parolees Supervised persons who have a current or prior conviction for arson pursuant to PC sections 451(a), 451(b) or 451.5.

(c) Parolees Supervised persons remain on active parole status while participating in the DRC Program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3521.4 is amended to read:

3521.4. Computer Literacy Learning Center Program.

The Computer Literacy Learning Center (CLLC) Program is a computer-assisted instructional program designed to increase the literacy skills of parolees supervised persons, resulting in increased parolee supervised person employability and parole success. The primary educational focuses are: to identify the reading level and reading deficits of the parolees supervised persons enrolled in the program; provide a user friendly training methodology; provide life skills training; and to provide employment competency training. All parolees supervised persons are eligible for placement in the CLLC Program who voluntarily agree to participate in the program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3521.5 is amended to read:

3521.5. Drug Treatment Network Program.

The Drug Treatment Network Program utilizes an education based program designed to provide substance abuse and relapse prevention instruction to parolees supervised persons in need of substance abuse education. The Drug Treatment Network Program utilizes, but is not limited to, the Substance Abuse Treatment and Recovery (STAR) Program. All Parolees supervised persons are eligible for placement in the Drug Treatment Network Program who voluntarily agree to participate in the program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3522 is amended to read:

3522. Preventing Parolee Parole Crime Program Placement.

(a) Placement into a Preventing Parolee Parole Crime Program Component Program will vary depending upon the needs of the parolee supervised person, and type of program that is required.

(1) For residential placement programs, placement times may vary. Some are for 90 days and others are for 180 days. ~~Parolees~~ Supervised persons may be allowed to stay longer, up to a maximum of one year, as determined on a case-by-case basis.

Subsection 3522(a)(2) remains unchanged.

(b) Staff shall not require that a ~~parolee~~ supervised person attend Alcoholics Anonymous, Narcotics Anonymous, or any other religious based program if the ~~parolee~~ supervised person refuses to participate in such a program for religious reasons. Under these circumstances, the ~~parolee~~ supervised person shall be referred to a program that is a non-religious based program. To facilitate program participation, it may be necessary to transfer the ~~parolee~~ supervised person to another county, as provided in subsection 3523(b).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3523 is amended to read:

3523. Procedures for Placing ~~Parolees~~ Supervised Persons in a Component Program of the Preventing ~~Parolee~~ Parole Crime Program.

(a) Parole agents may place ~~parolees~~ supervised persons in a Component Program of the Preventing ~~Parolee~~ Parole Crime Program utilizing the CDCR Form 1502 (Rev. ~~10/06~~07/24), Activity Report.

(b) Placement into some Component Programs of the Preventing ~~Parolee~~ Parole Crime Program may require placement into a county outside of the ~~parolee's~~ supervised person's county of last legal residence, as defined in PC section 3003. When reviewing a transfer outside of the county of last legal residence, the ~~parolee's~~ supervised person's compliance with the requirements of PC section 3003 must be considered.

(c) A ~~parolee's~~ supervised person's continued presence in a Component Program of the Preventing ~~Parolee~~ Parole Crime Program is contingent upon the ~~parolee~~ supervised person participating in the program and is at the discretion of the Component Program facilitator and the parole agent. The parole unit supervisor will consider all case factors and the ~~parolee's~~ supervised person's overall adjustment into the community and make the final decision on any issues that cannot be resolved between the Component Program facilitator and the parole agent.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3003, 3068 and 5054, Penal Code.

Section 3525 is amended to read:

3525. Preventing ~~Parolee~~ Parole Crime Program Site Restriction.

(a) All Preventing ~~Parolee~~ Parole Crime Program Component Programs, as described in section 3521, shall ensure that the property line of any new program facility meets the following site

Subsections 3525(a)(1) through 3525(a)(2) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3526 is amended to read:

3526. Status While Participating in the Preventing ~~Parolee~~ Parole Crime Program.

~~Parolees~~ Supervised persons shall remain on active parole status while participating in the Preventing ~~Parolee~~ Parole Crime Program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Section 3527 is amended to read:

3527. Evaluation.

The Preventing ~~Parolee~~ Parole Crime Program will be continually monitored to examine the program's impact upon the supervision, control, and sanction of ~~parolees~~ supervised persons under the jurisdiction of the sampled parole units.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3068 and 5054, Penal Code.

Article 3. Electronic Monitoring

Section 3540 is amended to read:

3540. Continuous Electronic Monitoring Technology.

(a) The Department of Corrections and Rehabilitation (department) may use continuous electronic monitoring technology to monitor the whereabouts of a ~~parolee~~ supervised person who requires electronic surveillance. The use of continuous electronic monitoring technology may be utilized:

(1) As an additional supervision tool for ~~parolees~~ supervised persons who are identified as requiring a higher level of supervision pursuant to section 3545.

Subsection 3540(a)(2) remains unchanged.

(3) As an alternative tool for addressing remedial sanctions in lieu of a revocation proceeding and return of a ~~parolee~~ supervised person into custody.

(4) To monitor all ~~parolees~~ supervised persons who require Global Positioning System (GPS) monitoring, as described in section 3560, while under parole supervision.

(b) Any use of continuous electronic monitoring shall have as its primary objective, to enhance public safety through the reduction in the number of ~~people~~ persons and property being victimized by crimes committed by a ~~parolee~~ supervised person.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3541 is amended to read:

3541. Required Functionality of Continuous Electronic Monitoring Devices.

Subsection 3541(a) remains unchanged.

(1) Be designed to be worn on the ankle by the ~~parolee~~ supervised person. The parole agent, at ~~his~~ their discretion, may request modifications to the placement of the device as an alternative form of continuous electronic monitoring. The modification request shall be considered for

approval by the Director or designee, Division of Adult Parole Operations, on a case-by-case basis. The modifications may include the parolee supervised person carrying the monitoring device on ~~his or her~~ their person at all times (fanny pack, back pack, belt etc.) and must be kept within reach when showering or sleeping. The device may be attached to any object which would enable a non-ambulatory parolee supervised person the ability to move around, i.e., a wheel chair;

Subsections 3541(a)(2) through 3541(b) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3542 is amended to read:

3542. Notification of Parole Violations by Continuous Electronic Monitoring System.

(a) A continuous electronic monitoring system has the capacity to pinpoint the parolee's supervised person's location, compliance with curfews, orders to stay away from predetermined locations, and compliance with other special conditions of parole. The system may immediately notify the department of predetermined faults, parameters, and system indicators that may indicate actual or possible violations of the terms and conditions of parole.

Subsection 3542(b) remains unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3543 is amended to read:

3543. Public Safety Standards for Minimum Time Between Transmission and Accuracy of Information.

Introductory language remains unchanged.

(a) On a case-by-case basis, determining the minimum time interval between transmissions of information about the location of the individual parolee supervised person under parole supervision shall be based on the following, which shall include, but not be limited to:

Subsection 3543(a)(1) remains unchanged.

(2) The criminal history and case factors of the parolee supervised person under parole supervision.

(3) The safety of the victim of the parolee supervised person under parole supervision.

Subsection 3543(a)(4) remains unchanged.

(b) The standard for the accuracy of the information identifying the location of the parolee supervised person under parole supervision shall be based on the following, which shall include, but not be limited to:

(1) The need to identify the location of the parolee supervised person proximate to the location of the parolee's supervised person's residence or location of a crime.

Subsections 3543(b)(2) through 3543(b)(3) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3544 is amended to read:

3544. Prohibitions Against Unauthorized Access to and Use of Continuous Electronic Monitoring.

Subsection 3544(a) remains unchanged.

(b) Devices used pursuant to this Article shall not be used to eavesdrop or record any conversation, except a conversation between the ~~parolee~~ supervised person and the supervising parole agent. The continuous electronic monitoring technology is to be utilized solely for the purposes of voice identification and verification of the ~~parolee's~~ supervised person's geographic location in the community.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3545 is amended to read:

3545. Persons to Participate in Continuous Electronic Monitoring.

Subsection 3545(a) remains unchanged.

(b) Adjudicated violations of parole, as provided for in the Parole Violation Decision Making Instrument, as described in section 3768, may subject the ~~parolee~~ supervised person to continuous electronic monitoring as authorized by this article.

(c) The following target population may be eligible for continuous electronic monitoring:

(1) ~~Parolees~~ Supervised persons classified with a risk number value of 1, 2, 3, 4, or 5, as described in section 3768.1.

(2) ~~Parolees~~ Supervised persons who commit minor violations of the law.

Subsections 3545(c)(3) through 3545(c)(6) remain unchanged.

(d) Participation in continuous electronic monitoring of an eligible ~~parolee~~ supervised person may require the following, unless otherwise stated:

Subsection 3545(d)(1) remains unchanged.

(2) Before placement, the ~~parolee~~ supervised person shall have a special condition of parole imposed that requires participation utilizing continuous electronic monitoring technology.

Subsection 3545(d)(3) remains unchanged.

(4) Any curfew imposed on the ~~parolee~~ supervised person while on continuous electronic monitoring shall be in writing and a document articulating the curfew imposed shall be given to the ~~parolee~~ supervised person. The document, the CDCR Form 1515-EID (Rev. 04/2007/24), Electronic In-Home Detention (EID) Special Requirement, which is incorporated by reference, shall be signed by the ~~parolee~~ supervised person. The curfew imposed shall include a start and stop date for the participation of in-home confinement restrictions imposed.

(5) The ~~parolee~~ supervised person shall be informed that non-compliance with the special condition of parole for continuous electronic monitoring is a violation of parole and may result in a referral to the local prosecuting authority or the Board of Parole Hearings for revocation consideration.

(6) The parolee's supervised person's signature on the CDCR Form 1515-EID will acknowledge in writing, the parolee's supervised person's responsibility for the safe return of the continuous electronic monitoring equipment when discharged from parole or released from the requirement from electronic monitoring. This will also acknowledge that upon failure to return the electronic monitoring equipment, the parolee supervised person may be charged the full replacement cost of each item of equipment not returned or returned damaged.

(7) No parolee supervised person shall be required to participate in continuous electronic monitoring authorized by this article for any period of time longer than the term of parole.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1546, 1546.1, 1546.2, 1546.4, 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3546 is amended to read:

3546. Revocation of Continuous Electronic Monitoring.

Upon approval from the unit supervisor, a parole agent may deem the use of continuous electronic monitoring as inappropriate and revoke the continuous electronic monitoring of any participating parolee supervised person unless mandated by the law.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3547 is amended to read:

3547. Noncompliance with Rules or Conditions of Parole.

Upon approval from the unit supervisor, whenever a parole agent supervising a parolee supervised person has reasonable cause to believe that the parolee supervised person is not complying with the rules or special conditions of parole set forth for the use of continuous electronic monitoring as a supervision tool, the parole agent, without a warrant of arrest, may take the parolee supervised person into custody for a violation of parole.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3548 is amended to read:

3548. Payments of Certain Costs by Parolees Supervised Persons.

(a) Any person released on parole who is required to participate in continuous electronic monitoring, may be required to pay for that electronic surveillance upon a finding by the department of the ability of the parolee supervised person to pay those costs. However, the department shall waive any or all of that payment upon a finding of an inability to pay.

Subsections 3548(a)(1) through 3548(a)(3) remain unchanged.

(b) If the parolee supervised person disagrees with the department's finding that the parolee supervised person has the ability to pay for the costs associated with the continuous electronic monitoring, the parolee supervised person may file a grievance by submitting CDCR Form 602-1 (01/22), to the Regional Office of Grievances.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3006, 3010.8 and 5054, Penal Code.

Article 4. Global Positioning System Program

Section 3560 is amended to read:

3560. Global Positioning System Program Establishment.

Departmental use of Global Positioning System (GPS) technology is designed to monitor the whereabouts of persons on parole by use of continuous electronic monitoring. The GPS program is for parolees supervised persons who are identified as requiring a high level of supervision, as described in section 3561. By placing a GPS monitoring device on a parolee supervised person, a Parole Agent receives information about a parolee's supervised person's whereabouts, verifies the parolee's supervised person's compliance with parole conditions, and is able to investigate suspicious behavior patterns.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3561 is amended to read:

3561. Global Positioning System Technology on Eligible Parolees Supervised Persons Designated as High Risk.

(a) The California Department of Corrections and Rehabilitation (the Department) shall evaluate all parolees' supervised persons' criminal history and identify those parolees supervised persons who require a high level of supervision, due to the risk of victimizing the public by committing new crimes while on parole.

(b) Parolees Supervised persons who are deemed to require a high level of supervision and subject to GPS monitoring include, but are not limited to:

(1) Any parolee supervised person who is required to register as a sex offender pursuant to the Sex Offender Registration Act, codified in Penal Code (PC) sections 290 through 290.023.

Subsection 3561(a)(2) remains unchanged.

(3) When any parolee's supervised person's case factors include unavailability for supervision, history of absconding parole supervision, escalating parole violations, or other such factors that would indicate the parolee supervised person is likely to re-offend, and where prevention of reoffending and knowledge of the whereabouts of the parolee supervised person is a high priority for maintaining public safety.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3000.08, 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3562 is amended to read:

3562. Global Positioning System Monitoring Device Placement Criteria.

Placement of a Global Positioning System (GPS) Monitoring device on an eligible parolee supervised person shall require the following:

(a) The parolee supervised person shall be on active parole in the community.

(b) Prior to placement, the parolee supervised person shall have a special condition of parole imposed which requires ~~his or her~~ their participation in GPS monitoring.

(c) The parolee supervised person shall be informed that noncompliance with the special condition of parole for GPS monitoring is a violation of parole and may result in the parolee's supervised person's arrest and filing of a revocation petition in the superior court.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3000.08, 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3563 is amended to read:

3563. Global Positioning System-Payments of Certain Costs by Parolees Supervised Persons.

(a) Parolees Supervised persons who are required to participate in continuous electronic monitoring by GPS pursuant to the law shall be required to pay for the costs associated with the GPS system. However, the Department shall waive any or all of that payment upon a finding of an inability to pay. The Department shall consider any remaining amounts the parolee supervised person has been ordered to pay in fines, assessments and restitution fines, fees, and orders, and shall give priority to the payment of those items before requiring the parolee supervised person to pay for GPS monitoring.

(1) Ability to pay means the overall capability of the parolee supervised person to reimburse the actual costs or portion of the costs, of providing GPS monitoring.

Subsection 3563(a)(2) remains unchanged.

(3) The Department shall consider any remaining amounts a parolee supervised person has been ordered to pay in fines, assessments and restitution fines, fees and orders, and shall give priority to the payment of those items before requiring the parolee supervised person to pay for the GPS monitoring.

(b) If the parolee supervised person disagrees with the Department's finding that the parolee supervised person has the ability to pay for the costs associated with GPS monitoring, the parolee supervised person may file a grievance by submitting a CDCR Form 602-1 (01/22), to the Regional Office of Grievances.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3564 is amended to read:

3564. Requirement for Lifetime Global Positioning System Monitoring.

(a) Any parolee supervised person who has been convicted for a felony violation of a sex offense described in subdivision (c) of Penal Code (PC) section 290 or any attempt to commit any of those offenses, released from custody on or after November 8, 2006, shall be subject to lifetime GPS monitoring. GPS monitoring shall commence within 48 hours of release from a State correctional facility, or during the first contact with a Parole Agent, whichever is sooner.

Subsection 3564(b) remains unchanged.

(c) An active parolee supervised person subject to lifetime GPS monitoring shall remain on continuous GPS monitoring for the duration of parole unless the parolee supervised person is in federal, state, or local custody pending criminal charges or serving an imposed sentence.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004 and 5054, Penal Code.

Section 3565 is amended to read:

3565. Transitioning Sex Offenders from Global Positioning System Monitoring to Local Law Enforcement Monitoring.

(a) An active ~~parolee~~ supervised person subject to lifetime GPS monitoring upon release from custody shall be monitored by the Department until discharged from parole and departmental jurisdiction.

(b) Between 60-90 days prior to the ~~parolee's~~ supervised person's Controlling Discharge Date (CDD), Department staff shall notify, in writing, the assuming agency of the pending discharge. Department staff shall:

(1) Make the ~~parolee~~ supervised person available to the assuming agency within five working days prior to the CDD to transition the ~~parolee~~ supervised person from departmental GPS equipment to the assuming agency's equipment.

(2) Notify the assuming agency if the ~~parolee~~ supervised person is to be discharged directly from custody.

(c) If no other agency assumes GPS monitoring prior to the ~~parolee's~~ supervised person's discharge from departmental jurisdiction, the departmental GPS equipment shall be removed and recovered from the ~~parolee~~ supervised person upon reaching the ~~parolee's~~ supervised person's CDD.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004 and 5054, Penal Code.

Article 5. Sex Offenders

Section 3571 is amended to read:

3571. Sex Offender Residence Restrictions.

Sex offenders may be subject to residence restrictions as specified in this section with the approval of the Unit Supervisor, on a case-by-case basis based on the particularized circumstances of each individual ~~parolee~~ supervised person.

Subsections 3571(a) through 3571(a)(5) remain unchanged.

(6) Residence restriction means a condition of parole, or an instruction from the Parole Agent prohibiting a ~~parolee~~ supervised person from residing at a location based on criteria related to the residence and the ~~parolee's~~ supervised person's specific individual circumstances pursuant to subsection 3571(b).

(b) The Unit Supervisor must approve a residence restriction that was proposed by the Parole Agent before it is imposed on a sex offender. Any residence restriction that will prohibit a ~~parolee~~ supervised person from residing within any distance of a park where children regularly gather, public or private school serving any grades of kindergarten through 12, or other location decided upon by the Parole Agent shall be justified based on a connection between the ~~parolee's~~ supervised person's commitment offense, criminal history, and/or future criminality, to be determined on a case-by-case basis.

Subsections 3571(c) through 3571(c)(1) remain unchanged.

(d) A sex offender released on parole shall not be subject to a residence restriction in addition to subsections 3571(b) and 3571(c) above, or required by section 3582, unless that residence restriction is supported by circumstances found in the ~~parolee's~~ supervised person's criminal history.

Subsection 3571(e) remains unchanged.

(1) ~~Parolees~~ Supervised persons subject to residence restrictions are responsible for finding compliant housing.

(2) During the initial interview between the ~~parolee~~ supervised person and the Parole Agent upon release from custody, and before any change of residence while under parole supervision, the ~~parolee~~ supervised person shall provide ~~his or her~~ their Parole Agent with the address where ~~he or she~~ they intends to reside upon verification and approval of the Parole Agent.

(3) The Parole Agent shall utilize available resources to identify any public or private schools and parks where children regularly gather, to determine if any will fall within any residence restrictions imposed on the ~~parolee~~ supervised person. Available resources that may be considered include, but are not limited to:

Subsections 3571(e)(3)(A) through 3571(e)(4) remain unchanged.

(5) ~~Parolees~~ Supervised persons shall be advised whether the proposed residence is compliant with the residence restriction. If the residence is noncompliant based on the measurements taken by the Parole Agent, as described in subsection 3571(e)(4) above, the actual distance and name of the prohibited public or private school, or park where children regularly gather, and method of measurement shall be disclosed to the ~~parolee~~ supervised person upon ~~his or her~~ their request.

(f) A ~~parolee~~ supervised person who has a special condition of parole prohibiting contact with specified minors shall not be allowed to reside in any residence where a minor with whom the ~~parolee~~ supervised person is prohibited from having contact also resides.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 290.04, 290.06, 3003.5, 3008, 3053 and 5054, Penal Code; *Doe v. Schwarzenegger* (2007) 476 F.Supp.2d. 1178; *In re E.J.* (2010) 47 Cal.4th 1258; *People v. Lent* (1975) 15 Cal.3d 481; *People v. Dominguez* (1967) 256 Cal.App.2d 623; *United States v. Wolf Child* (9th Cir. 2012), 699 F.3d 1082; and *In re Taylor* (2015) 60 Cal.4th 1019.

Article 6. High Risk Sex Offenders

Section 3580 is amended to read:

3580. Definition of a High Risk Sex Offender.

A High Risk Sex Offender (HRSO) is ~~an inmate or parolee~~ incarcerated or supervised person required to register pursuant to the Sex Offender Registration Act, including PC sections 290(c), 290.001, 290.002, 290.003, 290.004, 290.005, 290.006, 290.007, or 290.008, and who also has been assessed by the Department pursuant to sections 3573(a) and (b) and based on ~~his or her~~ their score on the risk assessment, has been designated as a HRSO.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 290, 290.001, 290.002, 290.003, 290.004, 290.005, 290.006, 290.007, 290.008 and 3000.08, Penal Code.

Section 3582 is amended to read:

3582. High Risk Sex Offender Residence Restrictions.

~~Parolees~~ Supervised persons who are required to register as sex offenders pursuant to PC sections 290 through 290.023, inclusive, and who have been designated as HRSO by the Department, are subject to residence restrictions as specified in this section and as defined in section 3571.

Subsections 3582(a) through 3582(c) remain unchanged.

(d) A HRSO₂ released on parole on or after November 8, 2006 who is required to register pursuant to PC sections 290 through 290.023, inclusive, and who does not have a current or prior conviction for a violation of PC section 288, inclusive of any subsection, or PC section 288.5 may have a residence restriction imposed pursuant to section 3571. A residence restriction shall not be imposed unless it is supported by circumstances found in the ~~parolee's~~ supervised person's criminal history as described in section 3571.

Subsection 3582(e) remains unchanged.

(1) ~~Parolees~~ Supervised persons subject to residence restrictions are responsible for finding compliant housing.

(2) During the initial interview between the ~~parolee~~ supervised person and the Parole Agent upon release from custody, and before any change of residence while under parole supervision, the ~~parolee~~ supervised person shall provide ~~his or her~~ their Parole Agent with the address where ~~he or she~~ they intends to reside upon verification and approval of the Parole Agent.

(3) The Parole Agent shall utilize available resources identified in subsections 3571(e)(3)(A) through 3571(e)(3)(E) to identify any public or private schools located approximately within one-half mile of the ~~parolee's~~ supervised person's proposed residence.

Subsection 3582(e)(4) remains unchanged.

(5) ~~Parolees~~ Supervised persons shall be advised whether the proposed residence is compliant. If the residence is noncompliant based on the measurements taken by the Parole Agent, as described in subsection 3582(e)(4) above, the actual distance and name of the prohibited public or private school and method of measurement shall be disclosed to the ~~parolee~~ supervised person upon ~~his or her~~ their request.

(f) When probable cause is discovered that a HRSO-~~parolee~~ supervised person, is in violation of a residence restriction, DAPO shall file a revocation petition in superior court.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 290.04, 290.06, 3003, 3003.5, 3008, 3053 and 5054, Penal Code; *Doe v. Schwarzenegger* (2007) 476 F.Supp.2d. 1178; *In re E.J.* (2010) 47 Cal.4th 1258; *People v. Lent* (1975) 15 Cal.3d 481; and *In re Taylor* (2015) 60 Cal.4th 1019.

Article 6.5. Transient Sex Offender Supervision

Section 3590 is amended to read:

3590. Transient and Residence Determination.

(a) To establish a residence pursuant to Penal Code (PC) section 290.011, a ~~parolee~~ supervised person must regularly reside at a location or locations. The complete set of circumstances will be considered to determine whether a ~~parolee~~ supervised person has established a residence or

whether the parolee supervised person is a transient sex offender as defined in section 3000. For the purposes of this section, a parolee supervised person who spends one day or one night in a shelter or structure that can be located by a street address, including but not limited to houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles, may be determined to have established a residence if other circumstances are present. These circumstances include, but are not limited to:

(1) The parolee supervised person resides one day or night at the same address every week, for multiple consecutive weeks, thus establishing a pattern of residency.

(2) The parolee supervised person resides two or more consecutive days or nights at the same address, or two or more days or nights at the same address in a period that would appear to establish a pattern of residency.

(3) The parolee supervised person is in possession of a key to an address where ~~he or she~~ they ~~is~~ are located and there is evidence of a pattern of residency.

(4) Upon contacting the parolee supervised person at an address where ~~he or she~~ they ~~is~~ are located or has been residing, evidence exists that ~~he or she~~ they ~~has~~ have established residency. Evidence would include, but is not limited to, clothing in a closet or drawer, toiletries in a bathroom, or information from occupants and/or neighbors. Such evidence may establish a pattern of residency.

(b) When determining whether a residence has been established, the Parole Agent shall utilize all available resources and information. If a review of the complete set of circumstances indicates residency has been established, and a reasonable and prudent Parole Agent reviewing the same information would draw the same conclusion, then a residence has been established. After a transient sex offender establishes a residence, ~~he or she~~ they ~~is~~ are no longer recognized as transient, and:

Subsections 3590(b)(1) through 3590(b)(2) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 290.010, 290.011, 3003 and 5054, Penal Code.

Section 3590.2 is amended to read:

3590.2. Transient Sex Offender Location Restrictions

Subsection 3590.2(a) remains unchanged.

(b) The locations described in subsection 3590.2(a) may not be acceptable for a parolee supervised person to reside at or to frequent based upon ~~his or her~~ their existing special conditions of parole and/or criminal history. Special conditions of parole may be imposed when warranted to address these circumstances.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3003(g), 3053(a) and 5054, Penal Code; and *People v. Lent* (1975) 15 Cal.3d 481.

Section 3590.3 is amended to read:

3590.3. Supervision of Transient Sex Offenders.

(a) Transient sex offenders are subject to parole supervision contact requirements as described in section 3504, except that: Instead of completing the required face-to-face residence contact, the Parole Agent shall contact the parolee supervised person at ~~either his or her~~ their place of

employment (if employed) or “in the field,” within the community where the parolee supervised person is located. This may include a residence where the parolee supervised person appears to be residing. All contacts shall be documented by the Parole Agent on a CDCR Form 1650-D (Rev. ~~06/12/07/24~~), Record of Supervision, which is incorporated by reference.

Subsections 3590.3(b) through 3590.3(c) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3003, 3003.5 and 5054, Penal Code.

Article 7. Parole Searches

Section 3600 is amended to read:

3600. Searches of Parolees Supervised Persons.

(a) Any contraband or evidence of illegal activity shall be seized by the parole agent or the law enforcement officer conducting a search of a parolee's supervised person's person, property, or residence. Property not belonging to the parolee supervised person shall be seized only when needed as evidence to support a parole violation charge.

(b) Property seized as evidence by departmental staff shall be documented on a CDCR Form 1136 (Rev. ~~2/17/07/24~~), Evidence/Property Report and Inventory Receipt, which is incorporated by reference. A copy of the form will be available to either the parolee supervised person or a responsible adult, or left at the place of seizure.

(c) Only those areas of a parolee's supervised person's residence occupied solely by the parolee supervised person or of common access shall be searched without a search warrant.

(d) A parole agent's authority to search or arrest a parolee supervised person applies to all law enforcement officers in California as long as it is judicious and conducted for legitimate law enforcement purposes.

Subsection 3600(e) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3067 and 5054, Penal Code; Sections 13950 and 13951, Government Code; People v. Giles, 233 Cal.App.2nd 643, 43 Cal.Rptr. 758 (1965); and People v. LaJocies 119 Cal.App.3d 947, 174 Cal.Rptr. 100 (1981).

Article 8. Financial Assistance

Section 3605 is amended to read:

3605. Financial Assistance.

(a) Financial assistance funds may be loaned to qualified parolees/releasees or dischargees persons who are supervised, released or discharged as described in (b), below.

Subsections 3605(b) through 3605(c)(2) remain unchanged.

(d) The parolee/releasee or dischargee supervised, released, or discharged person shall repay any such loans as soon as their employment and personal circumstances permit. A receipt for every repayment made on a loan shall be provided to the individual.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5060, Penal Code.

Article 9. Parole Outpatient Clinic

Section 3610 is amended to read:

3610. Parole Outpatient Clinic Services.

- (a) Parole outpatient clinics (POC) have been established to provide mental health assessments and outpatient mental health treatment, if needed, to ~~parolees~~ supervised persons.
- (b) At any time during the period of parole, the parole agent of record may refer a ~~parolee~~ supervised person to a POC for a screening evaluation to determine the need for a full mental health assessment.
- (c) POC clinical staff shall provide a mental health assessment for each referred ~~parolee~~ supervised person to determine if there is a need for transitional or sustained therapeutic intervention on an outpatient basis. If therapy is deemed necessary, the ~~parolee~~ supervised person shall be assigned to attend a POC for mental health treatment. Treatment services may be supplemented by interagency agreements/contracts with other state and county agencies. All records of mental health diagnosis, evaluation and treatment shall be considered confidential in accordance with subsection 3361(c).
- (d) The parole agent of record shall impose a special condition of parole to participate in a POC on all ~~parolees~~ supervised persons assigned by clinical staff to attend POC for treatment.
- (e) A ~~parolee~~ supervised person upon whom a special condition of parole to attend a POC is imposed and who is absent without being excused by their parole agent of record or the POC clinician, or whose stated reasons for absence are later determined by the parole agent of record to be false, shall be considered in violation of their parole conditions.

Subsection 3610(f) remains unchanged.

- (1) ~~Inmates~~ Incarcerated persons who are in a mental health treatment program at the time of the prerelease case referral as described in section 3502. To provide continuity of care, a POC referral appointment shall occur as soon as possible but not more than 30 days after release to parole.
- (2) ~~Parolees~~ Supervised persons whose offense history, institutional history, social history, or behavior in the community, past or present, indicate that a mental health assessment may be of assistance in successful reintegration to the community.

Subsection 3610(f)(3) remains unchanged.

- (4) ~~Parolees~~ Supervised persons exhibiting observable symptoms of a mental disorder while under supervision in the community.
- (g) ~~Parolees~~ Supervised persons for whom psychotropic medications are prescribed shall be given the information upon which to base an informed consent. The ~~parolee~~ supervised person shall provide specific written informed consent in compliance with sections 3353 and 3363(d).
- (h) When the department's jurisdiction of a ~~parolee/releasee~~ person is expiring and continued treatment or services are required, the parole agent of record, in concert with POC staff, shall assist the ~~parolee/releasee~~ person in obtaining the services from a community mental health agency. If the services of the agencies cannot be obtained, the ~~parolee/releasee~~ person may continue to receive parole outpatient clinic services until community services can be arranged or the services are no longer required.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 667.5(c), 2974 and 5054, Penal Code.

Article 10. Urinalysis Testing Program

Section 3620 is amended to read:

3620. Urinalysis Testing Program Policy.

All ~~parolees~~ supervised persons may be subject to Urinalysis (UA) Testing for prohibited substances, pursuant to section 3504. All confirmed positive UA test results must be addressed by intervention and/or sanctions to promote positive lifestyle changes.

(a) ~~Parolees~~ Supervised persons with a narcotic-related conviction within five years of incarceration for their current offense, or who have a history of alcohol or substance abuse, may have a special condition of parole imposed requiring UA testing at the direction of the Parole Agent (PA). Upon approval by the field Parole Unit Supervisor (US), the special condition of parole to participate in UA testing shall be imposed and documented on the CDCR Form 1515-Addendum (Rev. 04/19), Special Conditions of Parole. If reasonable suspicion exists that a prohibited substance was recently used, the CDCR Form 1515-Addendum is not required for the PA to instruct the ~~parolee~~ supervised person to provide a UA specimen for testing.

Subsection 3620(a)(1) remains unchanged.

(2) The UA test is conducted when the PA obtains a random, unscheduled urine sample from the ~~parolee~~ supervised person.

(b) Prior to collecting the urine sample, the PA shall inquire of the ~~parolee~~ supervised person whether the ~~parolee~~ supervised person is taking any prescription or over-the-counter medications which may result in a positive UA test result. The PA shall document the ~~parolee's~~ supervised person's response to the inquiry on the CDCR Form 1650-D (Rev. ~~06/12~~07/24), Record of Supervision, which is incorporated by reference, only when the ~~parolee~~ supervised person declares that ~~he or she~~they ~~is~~ are taking prescription medication. If the ~~parolee~~ supervised person admits to taking prescription medication, and/or the PA suspects that the type of medication may indicate a positive UA test result for a prohibited substance, the PA shall instruct the ~~parolee~~ supervised person to provide proof of the current and valid prescription. This information shall be documented on the CDCR Form 1502 (Rev. ~~10/06~~07/24), Activity Report, and a copy shall be placed in the ~~parolee's~~ supervised person's field file.

Subsection 3620(c) remains unchanged.

(1) Check the restroom for contraband and conduct a visual search of the ~~parolee's~~ supervised person's person prior to administering the test.

(2) Conduct a pat down search when necessary to ensure ~~parolee~~ the supervised person is not in possession of any contraband, only when safe to do so (e.g., in the parole office, or when in the community in the presence of another law enforcement officer).

(3) Prohibit the ~~parolee~~ supervised person from taking anything other than the test kit into the restroom, and note the temperature and color of the sample immediately following the test.

Subsections 3620(c)(4) through 3620(d)(1) remain unchanged.

(2) The ~~parolee's~~ supervised person's CDCR number.

Subsections 3620(d)(3) through 3620(d)(4) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3060.9, 3063.1, 3063.2, 3068 and 5054, Penal Code.

Section 3621 is amended to read:

3621. Instant Test Kit.

Introductory language remains unchanged.

(a) In the event of a negative instant test result, the PA shall have the ~~parolee supervised person~~ discard the sample and the test kit.

Subsections 3621(a)(1) through 3621(b) remain unchanged.

(1) The PA shall have the ~~parolee supervised person~~ discard the sample and the test kit.

Subsections 3621(b)(2) through 3621(c)(1) remain unchanged.

(2) Process the identification label and instruct the ~~parolee supervised person~~ to place the label on the specimen bottle in the PA's presence.

(3) Ensure that the bottle shall be sealed by the ~~parolee supervised person~~ and placed into the individual specimen bag.

Subsections 3621(c)(4) through 3621(d) remain unchanged.

(e) If the ~~parolee supervised person~~ admits to use of a prohibited substance, the PA shall obtain a CDCR Form 1527, signed by the ~~parolee supervised person~~ indicating a voluntary admission for the use of a prohibited substance.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3060.9, 3063.1, 3063.2, 3068 and 5054, Penal Code.

Section 3622 is amended to read:

3622. Tracking of Urinalysis Sample and Documentation.

(a) In order to maintain the integrity of the chain of custody from point of receipt of the sample, the PA shall log every sample received by the ~~parolee supervised person~~, and take the following steps:

(1) Enter the UA test sample on the CDCR Form 2249 (Rev. 10/15), Urinalysis Sample Control Log, to include the ~~parolee's supervised person's~~ name, CDCR number, PA's initials, collection date and time, and UA test results.

Subsections 3622(a)(2) through 3622(a)(3) remain unchanged.

(4) Retain the CDCR Form 2249 within the ~~parolee supervised person~~ field book, and submit the CDCR Form 2249 to the US with the caseload roster by the PA's last working day of the month, documenting all UA tests taken in the month.

Subsection 3622(b) remains unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3060.9, 3063.1, 3063.2, 3068 and 5054, Penal Code.

Section 3623 is amended to read:

3623. Locked Urinalysis Sample Storage Container.

Subsection 3623(a) remains unchanged.

(1) Each parole unit shall maintain the locked UA sample storage container in a fixed location. This is to be an area where ~~parolees~~ supervised persons are not allowed unattended access.

Subsections 3623(a)(2) through 3623(b)(1) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3060.9, 3063.1, 3063.2, 3068 and 5054, Penal Code.

Section 3625 is amended to read:

3625. Documentation of Laboratory Test Results.

(a) The laboratory responsible for analyzing the UA samples shall provide each parole unit with the test results for all submitted UA samples. Typically, the test results are sent to the parole unit via facsimile. Laboratory test results shall be logged, maintained, and processed by designated parole unit support staff. A legible copy of each individual test result shall be kept in the ~~parolee's~~ supervised person's field file for use at a later date, if needed. The parole unit support staff shall:

Subsections 3625(a)(1) through 3625(a)(2) remain unchanged.

(3) Verify the Parole Agent of Record (AOR) assignment for each ~~parolee~~ supervised person with a positive UA test result, and provide that AOR with a copy of the test results of the affected ~~parolee~~ supervised person.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3060.9, 3063.1, 3063.2, 3068 and 5054, Penal Code.

Section 3626 is amended to read:

3626. Adjudication of a Parole Violation as a Result of Positive Test.

In the event of a positive test result, the PA shall case conference the violation with the US or PAII (Supervisor) to determine the appropriate interventions and/or sanctions based on the case factors and available resources. The PA shall document the results on the CDCR Form 1650-D (Rev. ~~06/1207/24~~), Record of Supervision, and complete a CDCR Form 1500 (~~05/1307/24~~), Parole Violation Decision Making Instrument, identifying appropriate resources and/or interventions based on identified criminogenic needs. The US or PA II (Supervisor) must verify that all positive test results have been adjudicated pursuant to section 3768.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3060.9, 3063.1, 3063.2, 3068 and 5054, Penal Code.

Article 11. Illegal Aliens

Section 3630 is amended to read:

3630. Limitations of Parole Services.

Subsections 3630(a) through 3630(a)(4) remain unchanged.

(b) Verification of immigration status is based on information furnished to the Department by the United States Immigration and Customs Enforcement prior to an ~~inmate~~ incarcerated alien's release on parole.

Subsections 3630(c) through 3630(e)(4) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; Section 297.5, Family Code; and Section 5054, Penal Code.

Article 12. ~~Parolee~~ Parole Field Files

Section 3640 is amended to read:

3640. ~~Parolee~~ Parole Field Files.

(a) For the purpose of this section, a ~~parolee parole~~ field file means a file maintained by a parole unit office containing information about a ~~parolee supervised person~~ and ~~his or her~~ their current parole.

(b) Except by means of valid authorization, subpoena, or court order, no ~~parolee supervised person~~ or their attorney or the attorney's designee shall have access to another ~~parolee's supervised person's~~ field file or component thereof.

(c) ~~Parolees Supervised persons~~ may review their own field file, subject to applicable federal and state law. This review shall be conducted in the presence of staff. The ~~parolee supervised person~~ will not be provided access to a computer to view any of ~~his or her~~ their electronic records, if applicable, but instead will have a printed copy made available.

(d) No ~~parolee supervised person~~ or their attorney or the attorney's designee shall access information designated confidential pursuant to section 3321 which is in or from the ~~parolee's supervised person's~~ field file.

(e) An attorney or the attorney's designee, hired to or appointed to represent a ~~parolee supervised person~~ in the parole revocation process may review a ~~parolee's supervised person's~~ field file, subject to applicable federal and state law. A ~~parolee's supervised person's~~ attorney or the attorney's designee is not required to obtain authorization from the ~~parolee supervised person~~ before reviewing the ~~parolee's supervised person's~~ field file, though authorization may be provided. This review shall be conducted in the presence of staff. The attorney or the attorney's designee will not be provided access to a computer to view any of the ~~parolee's supervised person's~~ electronic records, if applicable, but instead will have a printed copy made available.

(f) No ~~parolee parole~~ field file or component thereof shall be released to any agency or person outside the department, except for private attorneys hired to represent the department, the Office of the Attorney General, the Board of Parole Hearings, the Inspector General, and as provided by applicable federal and state law. Any outside person or entity that receives ~~parolee person~~ field files is subject to all legal and departmental standards for the integrity and confidentiality of those documents.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2081.5, 5054 and 6126.5, Penal Code; Sections 56.10, 1798.24 and 1798.40, Civil Code; and Code of Federal Regulations, Title 45, Sections 164.512 and 164.524.

Article 13. Registration

Section 3650 is amended to read:

3650. Registration Notification.

An ~~inmate/parolee~~ incarcerated or supervised person required to register pursuant to Penal Code sections 186.30, 290, 457.1 shall be notified of the requirement to register pursuant to the procedures specified in section 3075.2.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 186.30, 290, 457.1 and 5054, Penal Code.

Section 3651 is amended to read:

3651. Penal Code Section 186.30 Registrants (Gang Offenders).

(a) Any ~~inmate/parolee~~ incarcerated or supervised person required to register pursuant to Penal Code (PC) section 186.30 shall register with the Chief of Police of the city in which ~~he or she~~ they resides, or the Sheriff of the county if ~~he or she~~ they resides in an unincorporated area or in a city that has no police department, within 10 days of release from custody or within 10 days of ~~his or her~~ their arrival in any city, county, or city and county to reside, whichever comes first.

Subsection 3651(b) remains unchanged.

- (1) The ~~parolee~~ supervised person shall appear at the law enforcement agency.
- (2) The law enforcement agency will serve the ~~parolee~~ supervised person with a California Street Terrorism Enforcement and Prevention Act notification which includes, where applicable, that the ~~parolee~~ supervised person belongs to a Security Threat Group (STG) whose members engage in or have engaged in a pattern of criminal STG activity as described in PC section 186.22(e).
- (3) The ~~parolee~~ supervised person shall submit a written statement, signed by the ~~parolee~~ supervised person, giving any information that may be required by the law enforcement agency.
- (4) The ~~parolee~~ supervised person shall submit ~~his or her~~ their fingerprints and a current photograph to the law enforcement agency.

Subsection 3651(c) remains unchanged.

(d) Any ~~parolee~~ supervised person required to register who knowingly violates any of the provisions of PC section 186.30 is guilty of a misdemeanor.

Subsections 3651(e) through 3651(f) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 186.30, 186.32, 186.33 and 5054, Penal Code.

Section 3652 is amended to read:

3652. Penal Code Section 290 Registrants (Sex Offenders).

(a) Any ~~inmate/parolee~~ incarcerated or supervised person who is required to register pursuant to Penal Code (PC) section 290 et seq. shall register with the Chief of Police of the city in which ~~he or she~~ they is are residing, or the Sheriff of the county if ~~he or she~~ they is are residing in an unincorporated area or city that has no police department. The ~~inmate/parolee~~ incarcerated or supervised person shall also register with the Chief of Police of a campus of the University of

California, the California State University, or community college if ~~he or she~~ they ~~is~~ are residing upon the campus or in any of its facilities. The ~~inmate/parolee~~ incarcerated or supervised person shall meet these registration requirements within five working days of coming into, or changing ~~his or her~~ their residence within, any city, county, or city and county, or campus in which ~~he or she~~ they temporarily resides.

(1) If the person who is registering has more than one residence address at which ~~he or she~~ they regularly resides, ~~he or she~~ they shall register in each of the jurisdictions in which ~~he or she~~ they regularly resides, regardless of the number of days or nights spent there. If all of the addresses are within the same jurisdiction, the ~~parolee~~ supervised person shall provide the registering authority with all of the addresses where ~~he or she~~ they regularly resides.

(2) Beginning on ~~his or her~~ their first birthday following registration or change of address, the person shall register annually, within five working days of ~~his or her~~ their birthday, to update ~~his or her~~ their registration(s). At the annual update, a sex offender registrant shall provide current information as required by the Department of Justice annual update forms and PC section 290.012.

Subsection 3652(a)(3) remains unchanged.

(b) Sexually Violent Predators:

(1) Every person who has been adjudicated a sexually violent predator as defined in section 6600 of the Welfare and Institutions Code, shall, after ~~his or her~~ their release from custody, verify ~~his or her~~ their residence and employment addresses at least once every 90 days, including the name of the employer and the place of employment.

(2) Any person who has ever been adjudicated a sexually violent predator, and who fails to verify ~~his or her~~ their registration at least every 90 days is subject to imprisonment in the state prison, or in the county jail not to exceed one year.

Subsections 3652(c) through 3652(c)(2) remain unchanged.

(d) Transient ~~parolees~~ supervised persons required to register pursuant to PC Section 290 et seq:

Subsections 3652(d)(1) through 3652(e) remain unchanged.

(1) Every ~~parolee~~ supervised person who is required to register as a sex offender who makes a change or update to ~~his or her~~ their registration information shall provide proof of any change or update to ~~his or her~~ their parole agent within five working days of making the change or update with the Chief of Police or County Sheriff and if applicable, with the Campus Police Chief.

(2) A parole agent who supervises a ~~parolee~~ supervised person who is required to register as a sex offender shall inform that ~~parolee~~ supervised person of the ~~parolee's~~ supervised person's duties under this subsection no fewer than six days prior to the date on which proof of registration is to be provided to the parole agent.

Subsection 3652(e)(3) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 290.010, 290.011, 290.012, 290.013, 290.015, 290.85 and 5054, Penal Code.

Section 3653 is amended to read:

3653. Penal Code Section 457.1 Registrants (Arson Offenders).

Subsection 3653(a) remains unchanged.

(1) Any offender who, on or after November 30, 1994, is convicted in any court in California of arson or attempted arson shall be required to register for the rest of ~~his or her~~ their life.

(2) Any offender who, on or after January 1, 1985 through November 29, 1994, inclusive, is convicted in any court in California of arson or attempted arson, shall be required to register for a period of five years beginning, in the case where ~~he or she~~ they ~~was~~ were confined for the offense, from the date of ~~his or her~~ their release from confinement, or if ~~he or she~~ they ~~was~~ were not confined for the offense, from the date of sentencing or discharge if ~~he or she~~ they ~~was~~ were ordered by the court at the time of sentencing to register as an arson offender.

(b) Registration Timing and Jurisdiction(s) Where to Register: Offenders with a registration obligation under subsection (a) above must register within 14 days of coming into or changing residence or location within any city, county, city and county, or campus where ~~he or she~~ they temporarily resides, or if ~~he or she~~ they ~~have~~ has no residence, is located with the following law enforcement:

Subsections 3653(b)(1) through 3653(c) remain unchanged.

(d) Change of Residence: If an arson offender required to register by PC section 457.1 changes ~~his or her~~ their residence address, ~~he or she~~ they shall inform, in writing, within 10 days, the law enforcement agency with whom ~~he or she~~ they last registered of ~~his or her~~ their new address. The law enforcement agency is obligated to, within three days after receipt of the information, electronically forward it to the Department of Justice. The Department of Justice is obligated to forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Subsections 3653(e) through 3653(f) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 451, 451.5, 453, 455, 457.1 and 5054, Penal Code.

Article 15. Discharge

Section 3720 is amended to read:

3720. Discharge Reviews.

Subsection 3720(a) remains unchanged.

(1) Continuous Parole, pursuant to California Code of Regulations (CCR), Title 15, subsection 2535(b)(4), is ~~parolees~~ supervised persons who have not had parole revoked or absconded from parole supervision since their initial release. If a revocation, or a revocation with credit for time served, or suspension with reinstatement of parole with time loss has occurred in the period, the ~~parolee~~ supervised person has not been on continuous parole.

(2) Discharge Review means a review of a ~~parolee's~~ supervised person's criminal history, and ~~his or her~~ their adjustment and/or performance while under parole supervision for the purpose of rendering a decision as to whether or not a ~~parolee~~ supervised person should be retained on parole supervision for another year or be discharged from parole supervision altogether.

(b) Discharge review periods to be followed by the Division of Adult Parole Operations are as follows:

(1) The review for those parolees supervised persons who are subject to a three-year parole period as provided in CCR, Title 15, Division 2, subsection 2515(b), shall be performed during the 12th month of continuous parole, except for those who were committed for violent felonies as listed in section 667.5(c) of the Penal Code, in which case the review shall be performed during the 24th month of continuous parole.

(2) The review for those parolees supervised persons who are subject to a five-year parole period, as provided for in CCR, Title 15, Division 2, subsection 2515(d), shall be performed during the 36th month of continuous parole.

(3) The review for those parolees supervised persons who are subject to lifetime parole period shall be during the 84th month of continuous parole for first degree murder parolees supervised persons and during the 60th month of continuous parole for second degree murder parolees supervised persons.

(4) A parolee supervised person shall be immediately referred to the parole authority for discharge consideration if any of the following criteria exist:

(A) Confirmation exists that the parolee supervised person was deported to ~~his or her~~ their country of origin after being released to parole.

(B) Confirmation exists that the parolee supervised person is under the supervision of another prison system, state or federal, and that supervision period, which includes the period of incarceration and any supervised release, exceeds the jurisdiction period maintained by the Department.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3000.1, 3001, 3052, 5054 and 5076.2, Penal Code.

Section 3721 is amended to read:

3721. Discharge Review Reports.

Subsection (a) remains unchanged.

(b) The parole agent must complete a discharge review report, whether the recommendation is to retain or discharge. The following factors shall be considered in conducting discharge reviews and preparing a discharge review report for a parolee supervised person in the community:

(1) Parole Adjustment. Whether or not the parolee supervised person was complying with ~~his or her~~ their conditions of parole or involved in any criminal behavior or activities, the parole adjustment shall include, but is not limited to, the following:

(A) Residence, whether or not the parolee's supervised person's residential pattern is stable.

(B) Employment, whether or not the parolee supervised person demonstrated a steady pattern of employment, educational or vocational training, and if ~~he or she~~ they have ~~has~~ the ability to reasonably provide for ~~his or her~~ their own financial needs while in the community.

(C) Compliant with Special Conditions of Parole. Address any known violations of any general, mandatory or special conditions of parole, or the parolee's supervised person's ability to comply with all conditions.

(D) Psychological Factors. Note the mental health status of the parolee supervised person and ~~his or her~~ their compliance with any mental health treatment.

(E) STG Validation. Note any past or present involvement in any STG, criminal, or street gang as a validated member, associate, or affiliate, and if the parolee supervised person is a validated STG-I member, associate, or affiliate.

Subsections 3721(b)(2) through 3721(b)(3)(A) remain unchanged.

(B) Serious or Violent Commitment Offense. Indicate whether or not the parolee's supervised person's commitment offense, regardless of whether it is the controlling or non-controlling case, is considered serious or violent as defined in Penal Code sections 1192.7(c), 1192.8, or 667.5(c).

(C) Use of a Weapon during Commitment Offense. Indicate whether or not it is known if the parolee's supervised person's commitment offense involved the use of a weapon, regardless of whether it is the controlling or non-controlling commitment offense.

(D) Possession of Firearm during Commitment Offense. Indicate whether or not the parolee's supervised person's commitment offense involved the possession of a firearm, regardless of whether it is the controlling or non-controlling commitment offense.

(E) History of Serious or Violent Felony Convictions. Indicate whether or not the parolee's supervised person's criminal history includes a conviction for any serious or violent felony as defined in Penal Code sections 1192.7(c), 1192.8, or 667.5(c).

(F) History of Use of a Weapon Conviction. Indicate whether or not the parolee's supervised person's criminal history includes a conviction for any offense involving the use of a weapon.

(G) History of Possession of a Firearm Conviction. Indicate whether or not the parolee's supervised person's criminal history includes a conviction for any offense involving the possession of a weapon within the 10 year period before the commitment offense.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.1, 3001, 3052, 5054 and 5076.2, Penal Code.

Section 3721.1 is amended to read:

3721.1. Documenting the Discharge Review.

Discharge Review Report. When preparing a discharge review report on a parolee supervised person, it shall be reported on a CDCR Form 1502 (Rev. ~~10/06/24~~ 06/24), Activity Report, which is incorporated by reference.

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

Section 3722 is amended to read:

3722. Annual Discharge Reviews.

(a) General. At the discharge review, the Division of Adult Parole Operations shall consider the parolee's supervised person's adjustment on parole and any other information relevant to determining whether the parolee supervised person should be discharged or retained under parole supervision.

(b) In the event of a retention on parole, the parolee supervised person shall be entitled to a review by the parole authority each year thereafter until the statutory maximum period of parole expires. In the event the Board of Parole Hearings (BPH) acts to retain parole, the parole agent shall complete subsequent annual reviews each year thereafter and forward the discharge review report

to the BPH for discharge or retain consideration. Annual discharge reviews shall be performed as provided in section 3720 and as noted in this section.

(c) Criteria. Factors tending to indicate there is good cause to retain a parolee supervised person on parole include:

(1) Commitment Offense. The parolee supervised person was committed to prison for several offenses, for an offense involving weapons or great bodily harm, for an offense which was part of large scale criminal activity or for an offense which caused considerable concern in the local community.

(2) Parole Adjustment. While on parole, the parolee supervised person has been involved in criminal activity even if that activity did not result in revocation of parole, has been using drugs, has been involved in gang activities, is currently undergoing criminal prosecution or is being investigated for possible prosecution.

(3) Placement Returns. The parolee supervised person has been returned to custody for substance abuse or psychiatric treatment.

(4) Supervision Needed. The parolee supervised person is in special need of continued supervision for the safety of the parolee supervised person or of the public.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.1, 3001, 3052, 3054 and 5076.2, Penal Code.

Section 3723 is amended to read:

3723. Parolee Supervised Person Rights.

The parolee supervised person shall receive a copy of the discharge review decision, including the reasons for a decision not to discharge the parolee supervised person, if applicable. The parolee supervised person may file a grievance regarding any mistake of fact contained in the discharge review report pursuant to the administrative remedies procedures provided in section 3480, et seq. If a mistake of fact is substantiated and that mistake results in a change in the recommendation to retain on parole, the corrected discharge review report with the recommendation to discharge shall be corrected and submitted to the Board of Parole Hearings with a request to reconsider the decision to retain.

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

Article 16. Restitution

Section 3730 is amended to read:

3730. Restitution Obligations.

Restitution obligations shall be considered when recommending a parolee supervised person for early discharge or when conducting an annual discharge review.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4852.05 and 5054, Penal Code.

Article 17. Revocation or Limited Placement Releases

Section 3740 is amended to read:

3740. Release from Revocation or Limited Placement.

Upon a ~~parolee's~~ supervised person's release from local custody, an institution, facility, or sanction imposed program their assigned parole agent shall assist the ~~parolee~~ supervised person to return to their previous parole program or to develop a new program based upon their particular needs or Board of Parole Hearings imposed sanction.

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

Article 17.5. Return and Transfer of Parole

Section 3741 is amended to read:

3741. County or City of Last Legal Residence.

(a) Pursuant to the provisions of Penal Code (PC) Section 3003, all ~~inmates~~ incarcerated persons committed to prison for a non-sex offense for which registration is not required pursuant to PC 290, shall be returned to the County of Last Legal Residence, unless the case conforms with Sections 3743 through 3744. All ~~inmates~~ incarcerated persons committed to prison for a sex offense for which registration is required pursuant to PC 290, shall, through all efforts reasonably possible, be returned to their city of last legal residence or a close geographic location in which they have family, social ties, or economic ties and access to reentry services unless a return to that location would violate any other law, pose a risk to the ~~inmate's~~ incarcerated person's victim, or the case conforms with Sections 3743 through 3744. The county of last legal residence for non-sex offenders, or city of last legal residence for sex offenders, is the county or city of residence where the offender resided prior to incarceration for the most current commitment offense. If an offender has multiple commitment offenses, the most current of the offenses shall be used to determine the county of last legal residence or city of last legal residence. Offenses that occur in custody, defined as being confined in State prison, local jail, or a Department of State Hospitals (DSH) facility for treatment shall not be considered in determining the county or city of last legal residence.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3003, Penal Code.

Section 3743 is amended to read:

3743. Parole Return or Transfer to a County or City Other than the County or City of Last Legal Residence and Transfer to the County or City of Last Legal Residence

Subsections 3743(a) through 3743(b) remain unchanged.

(c) If placed in a county or city other than the county or city of last legal residence, the reasons shall be documented on the offender's CDCR Form 1650-D (Rev ~~06/1207/24~~), Record of Supervision. Notification shall be made to the sheriff or chief of police, or both, and the district attorney, in the receiving county or city, pursuant to PC Section 3058.6(a). Notice shall be made on a CDCR Form 863 (Rev. ~~08/1107/24~~), Notice of Release, which is incorporated by reference.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3003 and 3058.6, Penal Code.

Section 3744 is amended to read:

3744. Factors Considered for Return or Transfer to a County or City Other than the County or City of Last Legal Residence.

Subsection 3744(a) remains unchanged.

(1) The need to protect the life or safety of a victim, a witness, the ~~parolee~~ supervised person, or any other person.

Subsections 3744(a)(2) through (a)(5) remain unchanged.

(6) Availability for direct placement into a California Department of Corrections and Rehabilitation (CDCR) funded community-based residential treatment program which shall be approved for transfer provided there are no victim or witness residence restrictions as recorded in the offender's special conditions of parole. CDCR-funded community-based residential treatment programs may include Female Offender Treatment and Employment Program, Residential Multi-Service Center, ~~Parolee~~ Parole Service Center, and Specialized Treatment for Optimized Programming.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2960 and 3003, Penal Code.

Section 3745 is amended to read:

3745. Transfer or Return of Offender to the County or City of Last Legal Residence.

Subsections 3745(a) through 3745(d)(4) remain unchanged.

(e) If an offender successfully completes an educational, employment, training, treatment or a CDCR-funded community-based residential treatment program in a county or city other than the county or city of last legal residence, the offender shall be given the option to remain in that county or city provided the offender does not violate any condition of parole and has established an appropriate residence. A residence is considered appropriate as long as it does not cause the offender to violate ~~his or her~~ their general or special conditions of parole or any other applicable statutory requirements. The Department shall verify the appropriateness of a residence by completing a CDCR Form 1658 (Rev. ~~6/11/07~~7/24), ~~Pre-Parolee~~ Supervised Person Residence/Employment Verification, which is incorporated by reference.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3003, Penal Code.

Section 3746 is amended to read:

3746. County Closed to Parole Return or Transfer.

Subsections 3746(a) through 3746(a)(1) remain unchanged.

(2) DAPO shall monitor county import and export ratios of offenders released for parole supervision and returning or transferring to counties other than their county of last legal residence. Return and transfer imports shall not exceed an additional five percent of the total number of active ~~parolees~~ supervised persons under the jurisdiction of CDCR who are required to be paroled to a particular county of last legal residence. Any county that has an import ratio of five percent shall be closed to returns and transfers and shall not reopen for import until the import ratio is below five percent except in the following circumstances:

Subsections 3746(a)(2)(A) through 3746(a)(2)(C) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3003, Penal Code.

Article 18. Parole Holds

Section 3750 is amended to read:

3750. Authority to Place a Parole Hold.

(a) If the parole agent has probable cause, as described in Section 3753, to believe the parolee supervised person has violated conditions of parole or of the law, the parole agent may arrest the parolee supervised person without a warrant at any time during the period of parole supervision and bring ~~him or her~~ them before the court for final adjudication, pursuant to Penal Code (PC) Section 1203.2.

(b) The parole hold decision must be made in every case regardless of the type of crime or parole violation with which the parolee supervised person is charged or whether another criminal justice agency is detaining the parolee supervised person.

(c) A parole agent may impose a parole hold when the parole agent determines that the parolee supervised person falls within the criteria listed in Section 3751, and upon review by the unit supervisor, there is probable cause to believe the parolee supervised person has violated parole and the parole hold is appropriate.

(d) Pursuant to PC Sections 3000.08(c) and/or 3056, a parole agent may place a parole hold on a parolee supervised person when the parolee supervised person has been confined in a county jail facility as the result of a technical violation and/or a new criminal charge as a result of the violation of the law described in subsection 3750(a), or may arrest a parolee supervised person and place ~~him or her~~ them in a county jail facility on a parole hold pending investigation of the alleged parole violations or new violations of the law.

Subsections 3750(e) through 3750(e)(2) remain unchanged.

NOTE: Authority cited: Sections 3056, 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3000(b)(7), 3000(b)(9)(A), 3052, 5054 and 5054.1, Penal Code.

Section 3751 is amended to read:

3751. Criteria for Placement of a Parole Hold.

(a) A parolee supervised person suspected of a parole violation may be detained by a parole hold for any of the following reasons:

(1) The parolee supervised person is a danger to the person or property of another.

(2) The parolee supervised person is suspected of a parole violation and is believed to be at high risk to abscond from parole supervision based on prior parole supervision history or other case factors or information.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3052, 3056, 5054 and 5076.2, Penal Code.

Section 3752 is amended to read:

3752. Factors to be Considered for Placement of a Parole Hold.

Introductory language remains unchanged.

(a) Drug or alcohol abuse. If drug or alcohol abuse is the only factor warranting a parole hold, the parolee supervised person shall be placed in the county jail facility only when there is no suitable alternative available such as a residential drug or alcohol treatment program.

Subsections 3752(b) through 3752(e) remain unchanged.

(f) Repeated unlawful conduct during the parolee's supervised person's current parole.

Subsections 3752(g) through 3752(j) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3052, 3056, 5054 and 5076.2, Penal Code; and *Terhune v. Superior Court (Whitley)*, 65 Cal.App.4th 864.

Section 3753 is amended to read:

3753. Review of a Parole Hold.

(a) As soon as possible, but no later than close of the next business day, upon discovery of a known violation of parole and the placement of a parole hold, the parole agent shall conduct a case conference with the parole unit supervisor to present the facts and circumstances of the parolee supervised person behavior to determine whether there is probable cause to retain the parole hold.

Subsection 3753(b) remains unchanged.

(c) Once removed, a parole hold shall not be reinstated unless new information is received which may indicate that the parolee's supervised person's behavior falls within the criteria set forth in Section 3751. If the parole hold is reinstated, the parolee supervised person shall be issued the reasons in writing as provided in Section 3754.

(d) If upon review, it is determined that the county of arrest has no jurisdiction to pursue a revocation, the parole hold shall be removed and the parolee supervised person shall be ordered to return to ~~his or her~~ their county of supervision and the jurisdiction of the county superior court (court). Upon the parolee's supervised person's return to the county of supervision, the parole agent shall submit a petition for revocation to the court to adjudicate the parole violation(s).

(e) A parole hold placed by DAPO shall be removed if new felony or misdemeanor charges are filed before the petition for revocation is filed against a parolee supervised person for the same conduct in which the parole hold was placed. A petition for revocation shall not be filed in this situation.

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

Section 3754 is amended to read:

3754. Notification of Reasons for a Parole Hold.

(a) In all cases wherein the parole unit supervisor determines probable cause exists to retain the parole hold, the noticing parole agent shall notify the parolee supervised person in writing of the reasons for the retention of the parole hold no later than three business days from the date of placement of the hold, utilizing CDCR Form 1502-B (Rev. ~~05/1507/24~~), Probable Cause Determination, which is incorporated by reference. The notice shall include a summary of the violation(s) relied upon to maintain the parole hold.

(b) The Notice Agent/Court Agent shall give the parolee supervised person the CDCR Form 2271 (Rev. ~~04/2007/24~~), Notice and Request for Assistance While in a County Jail, which is incorporated by reference, no later than three business days from the date of the placement of the

hold. If the parolee supervised person is released from the custody of the county jail and is instructed to report to the court for a petition for revocation before being served the CDCR Form 2271, the noticing parole agent shall ensure that the parolee supervised person is served with the CDCR Form 2271 upon the parolee supervised person reporting to the court, as previously instructed in subsection 3753(d).

(c) If the parole hold has been placed or reinstated by the Board of Parole Hearings (BPH) or the court, the parole agent shall notify the parolee supervised person in writing of the reasons for the reinstatement of the parole hold as described in subsection 3754(a).

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3052, 3056, 3057, 5054 and 5076.2, Penal Code.

Section 3756 is amended to read:

3756. Length of a Parole Hold.

Subsection 3756(a) remains unchanged.

(1) Unless otherwise provided by law, for all parolees supervised persons with a parole hold/discovery date on or after October 1, 2011, the parole hold shall not remain in effect for longer than 180 days.

Subsection 3756(a)(2) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.08(g) and 5054,

Article 19. Parole Violations, Flash Incarcerations, and Reports

Section 3760 is amended to read:

3760. Parole Violations and Reports.

(a) Persons on parole for specified crimes, as listed in PC Sections 3000(b)(4) and 3000.1(a)(1)-(2), are subject to PC Section 3000.1 proceedings upon revocation of parole. Parolees Supervised persons subject to PC Section 3000.1 shall be placed into a local jail facility on a parole hold, and shall, upon good cause finding by the court, be retained in local custody pending transfer to state prison.

(b) Pursuant to PC Section 3000.08, persons released from state prison after serving a prison term for the following crimes, or whose sentence has been deemed served pursuant to PC Section 2900.5 and who are not serving a life term of parole supervision, shall be subject to parole supervision by the Department and the jurisdiction of the court in the county where the parolee supervised person is supervised or the county in which the alleged parole violation occurred for the purpose of hearing petitions and imposition of a revocation of parole term:

Subsections 3760(b)(1) through 3760(b)(4) remain unchanged.

(c) All petitions to the court for revocation of parole shall be reviewed and approved by the parole administrator. When the court finds good cause that the parolee supervised person has committed a violation of ~~his or her~~ their conditions of parole or of the law, the parole agent shall by order of the court impose additional and appropriate conditions of parole, including, but not limited to, rehabilitation and treatment services, appropriate incentives for compliance, or immediate and structured sanctions as described in Section 3764 for parole violations.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3000(b)(9)(A), 3000.08, 3000.1, 3052, 3063, 5054 and 5054.1, Penal Code.

Section 3761 is amended to read:

3761. Investigation of Parole Violations.

The parole agent shall investigate all known and suspected parole violations. All available facts relating to the known or suspected parole violation(s) shall be documented as described in Section 3762. The investigating parole agent shall obtain a copy of the arresting agency's arrest report and/or investigation report when a parolee supervised person is arrested or is suspected of a new crime. The investigating parole agent may interview all persons who have knowledge of the suspected parole violation(s) whether or not the violation(s) are being investigated as a new crime(s) ensuring that ~~his or her~~ their investigation does not compromise the integrity of any on-going investigation that is being conducted by a local law enforcement agency.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 290, 1203.3, 3000, 3000(b)(9)(A), 3052, 3053, 3056, 3057, 5054, 5054.1 and 5076.2, Penal Code; and Sections 11561 and 11563, Health and Safety Code.

Section 3761.1 is amended to read:

3761.1. Investigation of Supplemental Parole Violations.

If the parole agent discovers additional parole violations, or violations of the law, requiring submission of additional information to the court, the parole agent shall record the additional information on the CDCR Form 1502-B (Rev. ~~05/15/07~~24) and forward to the parole unit supervisor no later than one business day from the date of discovery of the violation, and notify the parolee supervised person as described in Section 3754.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 290, 1203.2, 3000, 3000(b)(9)(A), 3052, 3053, 3056, 3057, 5054, 5054.1 and 5076.2, Penal Code; and Sections 11561 and 11563, Health and Safety Code.

Section 3762 is amended to read:

3762. Parole Violation Report (CDCR Form 1676).

Parole violations are documented on the CDCR Form 1676 (Rev. ~~04/13/07~~24), Parole Violation Report, hereby incorporated by reference. The CDCR Form 1676 shall be prepared electronically within the Parole Violation Disposition Tracking System (PVDTS) by the parole agent specifying the charges against the parolee supervised person and shall contain or refer to the information known to the parole agent relevant to the charges. The CDCR Form 1676 shall be processed as described in Section 3768.3 upon completion.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 290, 1203.2, 3000, 3000(b)(9)(A), 3000.08(a), 3015(b) 3052, 3053, 3056, 3057, 5054, 5054.1 and 5076.2, Penal Code.

Section 3763 is amended to read:

3763. Petition for Revocation.

Judicial Council of California Form CR 300 (Rev. 01/15), Petition for Revocation, which is incorporated by reference, or the unique court form established by a court for this purpose in a

particular county, shall be utilized by the parole agent for submitting a recommendation for revocation of parole to the court.

(a) The parole agent shall submit the Form CR 300, or the unique court form established by a court for this purpose in a particular county, with the following attachments:

(1) CDCR Form 1676 (Rev. ~~04/1307/24~~), Parole Violation Report

(2) CDCR Form 1502-B (Rev. ~~05/1507/24~~), Probable Cause Determination

(3) CDCR Form 1521-B (Rev. ~~04/1307/24~~), Criminal History, which is incorporated by reference

(4) CDCR Form 1244 (Rev. ~~4/1307/24~~), Parole Violation History, which is incorporated by reference

(5) CDCR Form 1515 (Rev. ~~04/1407/24~~), Notice and Conditions of Parole

(6) A printed copy of the completed automated CDCR 1515-Addendum (Rev. 04/19), Special Conditions of Parole.

(b) When appropriate, the parole agent shall file a petition for prosecution with the local district attorney's office, utilizing the CDCR Form 2278 (Rev. ~~06/1807/24~~), Arrest Report, which is incorporated by reference, in addition to the documents described in Section 3763(a).

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3000.08(a), 3000.08(f), 3052, 3053, 3063, 5054 and 5076.2, Penal Code.

Section 3764 is amended to read:

3764. Recommendations.

Introductory language and subsection 3764(a) remain unchanged.

(b) Refer to a local community program. This recommendation may be used when the violation charged is not serious enough to warrant a petition for revocation of the parolee supervised person, but does require treatment which can be obtained in a community facility or program.

Subsections 3764(c) through 3764(d) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.2, 3000(b)(7), 3000(b)(9)(A), 3052, 5054 and 5054.1, Penal Code.

Section 3765 is amended to read:

3765. Legal Custody and Jurisdiction of County Jail Facility.

A parolee supervised person may be housed in a county jail facility in the county where ~~he or she they were~~ was arrested or the county where the petition to revoke parole is filed.

(a) When housed in a county jail facility, parolees supervised persons are under the sole legal custody and jurisdiction of the county, and shall remain under the sole legal custody and jurisdiction of the county sheriff or county correctional administrator even if placed in an alternative custody program in lieu of incarceration, including but not limited to, the following:

Subsections 3765(a)(1) through 3765(a)(2) remain unchanged.

(b) When the parolee supervised person, including a parolee supervised person placed on Electronic In-Home Detention, is under the legal custody and jurisdiction of a county jail facility

awaiting parole revocation proceedings, or upon revocation, the parolee supervised person shall not be under any supervision by a DAPO parole agent. Parole supervision by the Department shall commence at the time of release from the county jail facility or county alternative custody program following a period of custody for revocation of parole, or upon release from the county jail facility if the court made the determination that there is no violation of parole.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 1203.2, 3000, 3000(b)(9)(A), 3052, 3053, 3056, 3057, 5054, 5054.1 and 5076.2, Penal Code; and Sections 11561 and 11563, Health and Safety Code.

Section 3766 is amended to read:

3766. Warrants.

(a) Pursuant to Section 3504.2, ~~inmates~~ incarcerated persons meeting the criteria for assignment to the Highest Control or Risk Classification, upon release from confinement from a State facility, are required to report to their assigned parole agent within two days or 48 hours of release from state prison. Within 24 hours of the parolee's supervised person's failure to report, the DAPO parole agent shall petition the local court as described in subsection 3766(b)(1).

(b) When the parolee supervised person's is released from a county jail facility, where the parole agent has determined that the parolee supervised person has become unavailable for supervision, or of being suspected of committing a serious crime, the parole agent shall attempt to locate the parolee supervised person, and if the parole agent has determined that the parolee's supervised person's paroled whereabouts are unknown, obtain a warrant from the court for the parolee's supervised person's arrest, completing the following steps:

(1) Petition the court to issue a written order for the arrest of the parolee supervised person's pending a hearing before the court utilizing Judicial Council of California Form CR 301 (⁰⁷/₁₃), Warrant Request and Order, which is incorporated by reference, or the unique court form established by a court for this purpose in a particular county.

(2) Monitor the parolee's supervised person's status until such time that the parolee supervised person is re-arrested and remanded into local custody upon the issuance of an arrest warrant.

(3) Recall the warrant issued by the court upon a parolee's supervised person's arrest utilizing Judicial Council of California Form CR 302 (⁰⁷/₁₃), Request and Order to Recall Warrant, which is incorporated by reference, or the unique court form established by a court for this purpose in a particular county, when appropriate.

(c) Department staff shall utilize the CDCR Form 2274 (04/1307/24), After-Hours Warrant Tracking Form, which is incorporated by reference, to process after hours warrant information received by the Administrative Officer of the Day, and manually enter warrant information into the following systems:

Subsections 3766(c)(1) through 3766(c)(2) remain unchanged.

(d) Pursuant to PC Section 3000(b)(9)(B), any warrant issued by BPH shall remain in full force and effect until the warrant is served or recalled by BPH. All cases of parolees supervised persons arrested pursuant to a warrant issued by BPH shall be reviewed by BPH. The parole agent shall submit a discharge review report to BPH for discharge consideration. If BPH decides to take no action, and/or retain the parolee supervised person on parole, DAPO shall initiate remedial

sanctions, which may include continuing the parolee supervised person on parole with no sanctions, or filing a petition for revocation of parole as described in Section 3764.

NOTE: Authority cited: Sections 1203.2, 3000(b)(9)(B) and 3060.7, Penal Code. Reference: Sections 3000(b)(9)(A), 3052, 5054, 5054.1, 5058 and 5058.3, Penal Code.

Section 3768.2 is amended to read:

3768.2. Exclusions from the Mandatory Use of the Parole Violation Decision-Making Instrument.

a) The CDCR Form 1500 (Rev. ~~05/13~~07/24), Parole Violation Decision-Making Instrument (PVDMI), which is incorporated by reference, shall be used to assess all known parole violations except in the following circumstances:

(1) Any alleged violation committed by a felon from another state who is being supervised in California under the provisions of the Interstate Commission for Adult Offender Supervision (Compact).

Subsections 3768.2(a)(2) through 3768.2(b) remain unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3015, 5054 and 5076.2, Penal Code.

Section 3768.3 is amended to read:

3768.3. Utilization of the Parole Violation Decision-Making Instrument.

Subsections 3768.3(a) through 3768.3(f)(2)(B) remain unchanged.

(g) A printed copy of the completed automated CDCR Form 1500, PVDMI, shall be provided, or postmarked for delivery, to the parolee supervised person within 10 working days of the final adjudication of the alleged violation.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3015, 5054 and 5076.2, Penal Code.

Section 3769 is amended to read:

3769. Parole Reentry Court Program.

(a) As part of the parole reentry accountability program for parolees supervised persons established under Penal Code section 3015, the Reentry Court Program (RCP) operates under an established memorandum of understanding between the Administrative Office of the Court and the California Department of Corrections and Rehabilitation (department). The RCP is designed to promote public safety, hold parolees supervised persons accountable for their behavior, and reduce recidivism.

Subsections 3769(b) through 3769(c)(4) remain unchanged.

(5) Dual Jurisdiction is defined as a situation in which a parolee supervised person with a current sentence under the jurisdiction of the department also has a new sentence pending before the court and/or is currently on local probation.

Subsections 3769(c)(6) through 3769(c)(7) remain unchanged.

(8) Reentry Court Judge is defined as a judge assigned to the participating reentry court program who is responsible for the judicial oversight of parolees supervised persons in the program.

(9) Referral Packet is defined as the package of reports, forms and supporting documents compiled by the department that is required for referral of a parolee supervised person into the reentry court program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3015 and 5054, Penal Code.

Section 3769.1 is amended to read:

3769.1. Reentry Court Program Eligibility Criteria.

(a) To be eligible for the Reentry Court Program (RCP) a parolee supervised person must meet all of the following eligibility criteria:

(1) Parolees Supervised persons must have been sentenced to a term of imprisonment under Penal Code section 1170 and released from an institution or facility to a period of parole supervision.

(2) Parolees Supervised persons must have a documented history of substance abuse or mental illness.

(3) Parolees Supervised persons must violate their conditions of parole.

(b) A parolee Supervised person who meets the above criteria may be referred by ~~his or her~~ their parole agent for participation in the RCP pursuant to section 3769.3.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1170, 3015 and 5054, Penal Code.

Section 3769.2 is amended to read:

3769.2. Reentry Court Program Exclusionary Criteria.

Subsection 3769.2(a) remains unchanged.

(1) Parolees Supervised persons required to register as a sex offender pursuant to the provisions of Penal Code section 290 through 290.023, inclusive.

(2) Parolees Supervised persons subject to supervision via Global Positioning System monitoring as provided in section 3560.

(3) Parolees Supervised persons subject to non-revocable parole pursuant to section 3505.

Subsection 3769.2(a)(4) remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290-290.023, 3015 and 5054, Penal Code.

Section 3769.3 is amended to read:

3769.3. Participation in the Reentry Court Program.

(a) Parolees Supervised persons who meet the eligibility criteria provided in section 3769.1 and who are not otherwise excluded as provided for in section 3769.2 may participate in the Reentry Court Program (RCP) if one of the following referrals is made:

(1) The RCP judge may refer a parolee supervised person who is under the dual jurisdiction of the department and local probation, or who is currently on parole and facing new criminal charges that may result in a new conviction and subsequent return to prison.

(2) A Deputy Commissioner may refer a parolee supervised person who commits a violation of parole to the RCP as a remedial sanction. The Parole Violation Decision Making Instrument shall be utilized in making a determination whether to refer the parolee supervised person, pursuant to the provisions of sections 3768 through 3768.3.

(3) Parole Agents may refer directly to the RCP a parolee supervised person who commits a violation of parole which is not subject to mandatory referral to the Board of Parole Hearings pursuant to section 2616. A parolee supervised person referred under this subsection shall:

(A) Waive ~~his or her~~ their right to a revocation hearing by signing a CDCR Form 1420 (Rev. 08/1007/24), Placement Acknowledgement Waiver, which is incorporated by reference.

(B) Sign the CDCR Form 1515-RCP (~~12/1007/24~~), Reentry Court Program Special Conditions of Parole, which is incorporated by reference.

Subsection 3769.3(a)(3)(B) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3015 and 5054, Penal Code.

Section 3769.5 is amended to read:

3769.5. Processing Violations of Parole -- Reentry Court Program.

Subsection 3769.5(a) remains unchanged.

(b) The reentry parole agent will submit a summary of charges for any new violation of parole to the reentry court judge for review and disposition. Within two business days of a reentry court parolee supervised person being placed into custody, the reentry parole agent shall coordinate with the reentry court judge to determine if the parolee supervised person shall remain in, or be terminated from, the reentry court program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3015 and 5054, Penal Code.

Section 3769.6 is amended to read:

3769.6. Processing Absconders from Parole -- Reentry Court Program.

(a) In the event a parolee supervised person is determined to have absconded from Reentry Court Program (RCP) supervision, the violation shall be reported to the court and processed pursuant to the provisions for the suspension of parole and issuance of a warrant as described in Section 3766(b)(1).

(b) When an absconding RCP parolee supervised person is located, the parolee supervised person shall be detained in a county jail pursuant to a parole hold pending the parolee's supervised person's appearance before the RCP judge on the absconding charge.

(c) In the event BPH acted to suspend the absconder's parole, the parole agent shall, upon being advised that the parolee supervised person is in custody, initiate the process for reinstatement of parole.

Subsection 3769.6(d) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.08(c), 3015 and 5054, Penal Code.

Chapter 2. Rules and Regulations of Health Care Services

Article 1. Health Care Definitions

Section 3999.98 is amended to replace the term “inmate” with “incarcerated person”, and all other text within this section remains the same:

Section 3999.98. Definitions.

The definition “Accommodation” through the definition “Current Review” remain unchanged.

Contraband Surveillance Watch means the isolation and restriction of movement for observation of ~~inmates~~incarcerated persons who are suspected or known to have ingested or inserted contraband into a body cavity.

Controlled Use of Force means the force used in an institution setting when an ~~inmate's~~incarcerated person's presence or conduct poses a threat to safety or security and the ~~inmate~~incarcerated person is located in an area that can be controlled or isolated. These situations do not normally involve the immediate threat to loss of life or immediate threat to institution security.

The definition “Correctional Treatment Center” through the definition “Do Not Resuscitate” remain unchanged.

Ducat means a CDCR 129, ~~Inmate~~ Incarcerated Person Pass (Rev.7/8807/24) There are two types of ducats, “Priority” and “Non-Priority.” Priority ducats are stamped with the word “Priority” and are used for scheduled health care appointments. Non-Priority ducats are used for unscheduled appointments and unescorted movement from one location to another.

The definition “Durable Medical Equipment” through the definition “Hygiene Supplies” remain unchanged.

Individual Hunger Strike Participant means an ~~inmate~~incarcerated person who is identified by Department custody staff as a participant in an individual hunger strike.

The definition “Informal Hearing” through the definition “Locked Unit” remain unchanged.

Mass Organized Hunger Strike means an organized hunger strike including multiple ~~inmates~~incarcerated persons who have a common goal or set of demands.

Mass Organized Hunger Strike Participant means an ~~inmate~~incarcerated person identified by Department custody staff as participating in a mass organized hunger strike.

The definition “Medical Assistant” through the definition “Palliative Care” remain unchanged.

Parole means release of an ~~inmate~~incarcerated person from imprisonment to the community by a releasing authority prior to the expiration of the ~~inmate's~~incarcerated person's prison term.

Patient means an ~~inmate~~incarcerated person who is seeking or receiving health care services or who is assigned to a care team.

The definition “Patient Panel” through the definition “X-Ray” remain unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Article 2. Health Care Forms

Section 3999.99 is amended to incorporate in alphanumeric order the following, and all other text within this section remains the same:

3999.99 Forms.

The form “CDCR 602 HC (Rev. 7/18), Health Care Grievance” through the form “CDCR 602 HC A (Rev. 12/17), Health Care Grievance Attachment” remain unchanged.

CDCR 1824 (Rev. ~~09/17~~07/24), Reasonable Accommodation Request

The form “CDCR 7225 (Rev. 03/19), Refusal of Examination and/or Treatment” through the form “CDCR 7465 (Rev. 08/16), Physician Orders for Life-Sustaining Treatment remain unchanged.

CDCR 7536 (Rev. ~~05/17~~07/24), Durable Medical Equipment and Medical Supply Receipt

CDCR 7551 (~~01/16~~07/24), Administration or Declination of Coccidioidomycosis Screening

The form “CDCR 7701 (Rev. 10/20), Penal Code 2604 Rights” through the form “CDCR MH-7369 (01/15), Penal Code Section 2602 Reconsideration” remain unchanged.

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

Subchapter 1. Health Care Governance and Administration

Article 4. Professional Workforce

Section 3999.132 is amended to read:

3999.132. Authorized Staff.

(a) Only facility-employed health care staff, contractors paid to perform health services for the facility, or persons employed as health care consultants shall be permitted, within the scope of their licensure, to diagnose illness or prescribe medication and health care treatment for patients. No other personnel or ~~inmates~~incarcerated persons may do so.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Subchapter 2. Patient’s Entitlements and Responsibilities

Article 1. Provisions of Health Care Services

Section 3999.205 is amended to read:

3999.205. Over-the-Counter Products.

(a) The Department shall provide and distribute approved Over-the-Counter (OTC) health care products through the ~~inmate~~incarcerated person canteen services system process pursuant to section 3091 without cost to the patient or a need for a health care provider's prescription.

Subsections 3999.205(b) through 3999.205(h)(2) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.208 is amended to read:

3999.208. Reading Glasses.

(a) Patients shall be allowed to acquire one pair of approved reading glasses every 12 months through the ~~inmate~~incarcerated person canteen services system process without cost to the patient or a need for a health care providers' prescription. A replacement pair of reading glasses shall be provided at no cost if loss or damage was not the fault of the patient.

Subsections 3999.208(b) through 3999.208(g) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Armstrong Remedial Plan. *Armstrong v. Newsom* (No. C94-2307 CW), U.S. District Court, Northern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Article 3. Confidentiality and Privacy

Section 3999.215 is amended to read:

3999.215. Protected Health Information and Personally Identifiable Information.

Subsections 3999.215(a) through 3999.215(e)(1)(B) remain unchanged.

(C) When obtaining such information would jeopardize the health, safety, security, custody, or rehabilitation of the individual or of other ~~inmates~~incarcerated persons, or the safety of any officer, employee, other person at the correctional facility, or individual responsible for the transporting of the patient.

Subsections 3999.215(e)(2) through 3999.215(h)(1)(H) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California; *Clark v. California* (No. C96-1486 CRB), U.S. District Court, Northern District of California; and *Armstrong v. Newsom* (No. C94-2307 CW), U.S. District Court, Northern District of California.

Article 5. Health Care Grievances

Section 3999.225 is amended to read:

3999.225. Definitions.

Introductory language and subsection 3999.225(a) remain unchanged.

(b) Administrative remedy means the non-judicial process provided to address patient health care grievances in which a ~~grievant~~ patient may allege an issue and seek a remedy and the Health Care Grievance Office and Health Care Correspondence and Appeals Branch have an opportunity to intervene and respond. A headquarters' level health care grievance appeal disposition exhausts administrative remedies.

Subsection 3999.225(c) remains unchanged.

(d) Appeal means a ~~grievant's~~ patient's submission of a health care grievance to the headquarters' level for review of the institutional level disposition.

Subsections 3999.225(e) through 3999.225(h) remain unchanged.

~~(i) Grievant means a patient who submits for review a CDCR 602 HC, Health Care Grievance.~~

(~~ji~~) Headquarters' level directive means a written mandate by the headquarters' level reviewing authority to the institutional level reviewing authority requiring the action as identified in the directive, after headquarters' review of a health care grievance appeal.

(~~kj~~) Health care discipline means medical, dental, or mental health.

(~~lk~~) Health Care Correspondence and Appeals Branch (HCCAB) means the office responsible for statewide oversight of the grievance program and the headquarters' level health care grievance appeal review.

(~~ml~~) Health care grievance means a written complaint submitted by a patient using a CDCR 602 HC, pursuant to section 3999.226(a).

(~~nm~~) Health Care Grievance Office (HCGO) means the office responsible for coordinating the institutional level health care grievance review.

(~~on~~) Health care grievance package means the CDCR 602 HC and the CDCR 602 HC A, Health Care Grievance Attachment and all supporting documents. A health care grievance is not a record of care and treatment rendered and shall not be filed in the central file or health record.

(~~po~~) Health care grievance process means all steps involving ~~grievant~~ patient preparation and health care staff receipt, review, disposition, and exhaustion of submitted health care grievances.

(~~qp~~) Health care staff means any administrative and/or clinical staff involved in the health care grievance process under health care's reviewing authority.

(~~rq~~) Intervention means available administrative action or redress deemed necessary by health care staff to address an identified health care grievance.

(~~sr~~) Material adverse effect means harm or injury that is measurable or demonstrable (even if that measurement or demonstration is subjective for the patient) or the reasonable likelihood of such harm or injury due to a health care policy, decision, action, condition, or omission.

(~~ts~~) Multiple health care grievances means health care grievances received from more than one ~~grievant~~ patient on an identical issue.

(~~ut~~) Patient means an ~~inmate~~ incarcerated person who is seeking or receiving health care services.

(~~vu~~) Rejected means that the submitted health care grievance or appeal of grievance disposition did not qualify for processing for the reasons stated in the rejection.

(~~wv~~) Response means the written notification provided to the ~~grievant~~ patient relative to the disposition, rejection, or withdrawal of a health care grievance or health care grievance appeal.

(~~xw~~) Reviewing authority means health care staff authorized to approve and sign health care grievance responses to ensure procedural due process. The reviewing authority does not conduct a clinical review.

Subsections 3999.225(w)(1) through 3999.225(w)(4) remain unchanged.

(~~yx~~) Staff misconduct means health care staff behavior or activity that violates a law, regulation, policy, or procedure, or is contrary to an ethical or professional standard.

(~~zy~~) Supporting documents means any document the ~~grievant~~ patient may need to substantiate allegations made including, but not limited to, property inventory sheets, property receipts, trust account statements, and written requests for interviews, items, or health care services. Supporting

documents do not include documents that only restate the issue(s) grieved, argue its merits, or introduce new issues not identified in the current health care grievance form(s), or documents accessible to health care staff, such as patient health records.

Subsections 3999.225(y)(1) through 3999.225(y)(2) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Coleman v. Newsom* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; *Armstrong v. Newsom* (No. C-94-2307-CW), U.S. District Court, Northern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.226 is amended to read:

3999.226. Right to Grieve.

Subsection 3999.226(a) remains unchanged.

(1) Health care grievances are subject to an institutional level review and may receive a headquarters' level grievance appeal review, if requested by the grievant patient.

Subsections 3999.226(a)(2) through 3999.226(a)(3) remain unchanged.

(4) The grievant patient shall not submit a health care grievance for issues outside the health care jurisdiction.

Subsection 3999.226(b) remains unchanged.

(c) The grievant patient has the right to submit one health care grievance every 14 calendar days, unless it is accepted as an expedited grievance. The 14 calendar day period shall commence on the calendar day following the grievant's patient's last accepted health care grievance.

(d) Health care grievance forms shall be available to all inmates incarcerated persons.

(e) Staff shall not take reprisal against the grievant patient for filing a health care grievance.

(f) A grievant patient who abuses the health care grievance process may be subject to health care grievance restriction pursuant to section 3999.236.

Subsection 3999.226(g) remains unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; *Armstrong v. Newsom* (No. C-94-2307-CW), U.S. District Court, Northern District of California; Clark Remedial Plan, *Clark v. California* 123 F.3d 1267 (9th Cir. 1997); *Coleman v. Newsom* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.227 is amended to read:

3999.227. Preparation and Submittal of a Health Care Grievance.

(a) The grievant patient is limited to the use of one CDCR 602 HC to describe the specific complaint that relates to their health care which they believe has a material adverse effect on their health or welfare, and one CDCR 602 HC A, if additional space is needed.

(b) The grievant patient shall complete Section A of the CDCR 602 HC and submit to the HCGO where the grievant patient is housed within 30 calendar days of:

Subsections 3999.227(b)(1) through 3999.227(b)(2) remain unchanged.

(c) An individual may help the grievant patient prepare the health care grievance unless the act of providing such assistance results in any of, but not limited to, the following:

Subsections 3999.227(c)(1) through 3999.227(c)(2) remain unchanged.

(3) Unlawful access to the grievant's patient's protected health information or personally identifiable information.

Subsection 3999.227(d) remains unchanged.

(e) The grievant patient is limited to one issue or set of issues related to a single health care discipline that can reasonably be addressed in a single health care grievance response.

(f) The grievant patient shall print legibly or type in a standard font on the lines provided on the health care grievance form(s). There shall be only one line of text on each line provided on the health care grievance form(s).

(g) The grievant patient shall document clearly and coherently all information known and available to ~~him or her~~ them regarding the issue.

(1) The grievant patient shall include any involved staff member's last name, first initial, title or position, and the date(s) and description of their involvement.

(2) If the grievant patient does not have information to identify involved staff member(s), the grievant patient shall provide any other available information that may assist in processing the health care grievance.

(h) The grievant patient may request an interview by initialing the appropriate box on the CDCR 602 HC.

(i) The grievant patient shall sign and date an original CDCR 602 HC. If the original health care grievance is not available, the grievant patient may obtain a copy stamped "treat as original" from the HCGO for submission.

(j) The grievant patient shall include supporting documents necessary for the clarification and/or resolution of the issue(s) prior to submitting the health care grievance pursuant to section 3999.225(z).

(k) If unable to obtain some supporting documents, the grievant patient shall submit the health care grievance with all available documents and an explanation of why the remaining documents are not available.

(l) The grievant patient shall present their health care grievance in a single submission.

(m) The grievant patient shall submit the institutional level health care grievance for processing to the HCGO where the grievant is housed.

(n) The grievant patient may not use threatening, obscene, demeaning, or abusive language, except if the grievant alleges health care staff used such language.

(o) The grievant patient shall not deface the health care grievance package.

(p) The grievant patient shall not contaminate the health care grievance or attach physical, organic or inorganic objects, particles, other materials, or samples. Examples of contaminants or attachments include, but are not limited to, food, medication, clothing, razor blades, needles, human hair, tissue, and/or bodily fluids such as blood, saliva, or excrement. Health care grievances received that are suspected to contain hazardous or toxic material that may present a threat to the safety and security of staff, ~~inmates~~incarcerated persons, or the institution shall be referred to custody staff for potential disciplinary sanctions.

(q) The grievant patient shall not submit a health care grievance which includes information or accusations the grievant knows to be false or makes a deliberate attempt to distort the facts.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; Armstrong v. Newsom (No. C-94-2307-CW); Coleman v. Newsom (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and Plata v. Newsom (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.228 is amended to read:

3999.228. Institutional Level Health Care Grievance Review.

Subsections 3999.228(a) through 3999.228(e) remain unchanged.

(f) An interview with the grievant patient shall be conducted in any of the following circumstances:

(1) The grievant patient requested an interview by initialing the appropriate box on the CDCR 602 HC.

Subsection 3999.228(f)(2) remains unchanged.

(3) The grievant patient has been identified as the first grievant patient to submit an accepted health care grievance that has been designated as a multiple health care grievance pursuant to section 3999.232.

Subsection 3999.228(f)(4) remains unchanged.

(g) If the grievant patient refuses the health care grievance interview, the HCGO shall complete the health care grievance without grievant patient input.

(h) Health care staff who participated in the event or decision being grieved may not interview the grievant patient.

(i) Time limits for processing a health care grievance commence on the day it is received by the HCGO and shall be completed and returned to the grievant patient within 45 business days, unless processed as an expedited health care grievance pursuant to section 3999.233(b).

Subsection 3999.228(j) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; Armstrong v. Newsom (No. C-94-2307-CW), U.S. District Court, Northern District of California; Coleman v. Newsom (No. S90-

0520 LKK JFM P) U.S. District Court, Eastern District of California; and Plata v. Newsom (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.229 is amended to read:

3999.229. Preparation and Submittal of a Health Care Grievance Appeal.

(a) If dissatisfied with the institutional level health care grievance disposition, the grievantpatient may appeal the disposition by completing and signing Section B of the CDCR 602 HC and submitting the health care grievance package to HCCAB via the United States Postal Service within 30 calendar days plus five calendar days for mailing from the date noted on the CDCR 602 HC, in the “Date closed and mailed/delivered to grievantpatient” section on page 1 of 2.

Subsections 3999.229(a)(1) through 3999.229(a)(2) remain unchanged.

(3) The grievantpatient shall not include new issues that were not included in the original health care grievance.

(4) For appeals of health care grievances processed on an expedited basis at the institutional level, the grievantpatient shall forward the health care grievance package to the HCGO where the grievantpatient is housed if continued expedited processing is requested.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; Section 1013(a), California Code of Civil Procedure; Armstrong v. Newsom (No. C-94-2307-CW), U.S. District Court, Northern District of California; Coleman v. Newsom (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and Plata v. Newsom (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.230 is amended to read:

3999.230. Headquarters' Level Health Care Grievance Appeal Review.

Subsections 3999.230(a) through 3999.230(b)(1)(A) remain unchanged.

(B) Determine if the health care grievance appeal warrants continued expedited processing as requested by the grievantpatient pursuant to section 3999.229(a)(4).

Subsection 3999.230(b)(2) remains unchanged.

(3) Review the grievant'spatient's health record and applicable clinical and/or custodial information, as necessary, to aid in drafting the headquarters' level response and coordinate with the appropriate health care discipline as necessary, when an accepted health care grievance appeal is determined to warrant a clinical review.

Subsections 3999.230(c) through 3999.230(d)(2) remain unchanged.

(e) If determined to be necessary by HCCAB staff, an interview with the grievantpatient may be conducted.

(f) Time limits for processing a health care grievance appeal commence on the day it is received by the HCCAB and shall be completed and returned to the grievantpatient within 60 business days, unless processed as an expedited health care grievance appeal pursuant to section 3999.233(b).

Subsections 3999.230(g) through 3999.230(j) remain unchanged.

(k) Amendments. HCCAB shall notify the HCGO and grievantpatient when it is determined a health care grievance response requires amendment.

(1) The HCGO shall complete the amended response and return the health care grievance package to the grievantpatient within 30 calendar days of notice issuance.

(2) The grievantpatient shall have 30 calendar days plus five calendar days for mailing from the amended health care grievance response issue date to resubmit the entire original health care grievance package for a headquarters' level grievance appeal review.

Subsections 3999.230(l) remains unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; Section 1013(a), California Code of Civil Procedure; Armstrong v. Newsom (No. C-94-2307-CW), U.S. District Court, Northern District of California; Coleman v. Newsom (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and Plata v. Newsom (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.231 is amended to read:

3999.231. Health Care Staff Complaints.

Subsections 3999.231(a) through 3999.227(f)(2) remain unchanged.

(A) The grievant patient.

Subsections 3999.231(f)(2)(B) through 3999.231(f)(4) remain unchanged.

(A) The confidential inquiry report shall not be released to ~~inmates~~ incarcerated persons under any circumstances.

Subsections 3999.231(f)(4)(B) through 3999.231(f)(4)(C) remain unchanged.

(g) The institutional level response to a health care staff complaint shall inform the grievant patient of either:

Subsections 3999.231(g)(1) through 3999.231(g)(2) remain unchanged.

(h) Time limits for processing health care staff complaints shall be completed and returned to the grievant patient pursuant to sections 3999.228(i) or 3999.230(f).

Subsection 3999.231(i) remains unchanged.

(j) The headquarters' level is for administrative review of the institutional level response of a health care staff complaint for which the grievant patient is dissatisfied with the institutional level disposition or if the grievant patient alleges headquarters' health care staff misconduct.

Subsection 3999.231(k) remains unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; Section 1013(a), California Code of Civil Procedure; Armstrong v. Newsom (No. C-94-2307-CW), U.S. District Court, Northern

District of California; Coleman v. Newsom (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and Plata v. Newsom (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.232 is amended to read:

3999.232. Multiple Health Care Grievances.

Subsection 3999.232(a) remains unchanged.

(1) The grievantpatient who submitted the first accepted multiple health care grievance shall be identified. The identified grievantpatient shall receive an interview pursuant to section 3999.228(f)(3). No other grievantpatient will receive an interview unless health care grievance staff needs further clarification related to the issue.

(2) A response to each grievantpatient shall be provided containing a statement to indicate that the health care grievance was processed as one of multiple health care grievances.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; Armstrong v. Newsom (No. C-94-2307-CW), U.S. District Court, Northern District of California; Coleman v. Newsom (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and Plata v. Newsom (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.233 is amended to read:

3999.233. Exceptions to Health Care Grievance Process Time Limits.

Subsection 3999.233(a) remains unchanged.

(1) GrievantPatient, staff, or witnesses are not available prior to the expiration of the response time limits to provide information to prepare the health care grievance or health care grievance appeal response.

Subsections 3999.233(a)(2) through 3999.233(a)(4) remain unchanged.

(b) Expedited health care grievances and health care grievance appeals identified pursuant to sections 3999.228(b)(2) or 3999.230(b)(1)(B) shall be processed and returned to the grievantpatient within five business days from the date of receipt.

Subsection 3999.233(c) remains unchanged.

(d) The HCGO shall notify the grievantpatient and HCCAB if there is a delay in the completion of a headquarters' level directive and the estimated completion date.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; Armstrong v. Newsom (No. C-94-2307-CW), U.S. District Court, Northern District of California; Coleman v. Newsom (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and Plata v. Newsom (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.234 is amended to read:

3999.234. Health Care Grievance and Health Care Grievance Appeal Rejection.

Subsection 3999.234(a) remains unchanged.

(1) The grievantpatient did not submit the health care grievance or health care grievance appeal pursuant to Subchapter 2, Article 5.

Subsection 3999.234(a)(2) remains unchanged.

(3) The grievantpatient submitted the health care grievance without a prior attempt to obtain health care services through approved processes. In this case, HCGO staff shall submit a request for health care services, if medically necessary, to the appropriate facility clinic on behalf of the grievantpatient.

Subsection 3999.234(a)(4) remains unchanged.

(5) The grievantpatient is temporarily outside health care jurisdiction for an indeterminate amount of time, including, but not limited to, out-to-court or at an offsite hospital, and not expected to return before the time limits for responding to the health care grievance or health care grievance appeal have expired.

(6) The health care grievance duplicates the grievantpatient's previous health care grievance upon which a decision was rendered or is pending and the grievantpatient has not provided any new information that would indicate additional review is warranted.

(7) A health care grievance is submitted as a group grievance by more than one grievantpatient related to a policy, decision, action, condition, or omission affecting all members of the group.

(b) When a health care grievance or health care grievance appeal is rejected, a response to the grievantpatient shall provide written instruction regarding further action the grievantpatient must take to qualify the health care grievance or health care grievance appeal for processing and the timeframe necessary, as determined by the HCGO or HCCAB, to correct and resubmit the health care grievance or health care grievance appeal to the identified office.

(1) If the grievantpatient submits a health care grievance or health care grievance appeal more than twice without complying with the written instruction, the health care grievance or health care grievance appeal will be adjudicated based on available information. Adjudication of a health care grievance or health care grievance appeal without complying with written instruction to correct submission does not preclude consideration for abuse pursuant to section 3999.236(a)(2).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; *Armstrong v. Newsom* (No. C-94-2307-CW), U.S. District Court, Northern District of California; *Coleman v. Newsom* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.235 is amended to read:

3999.235. Health Care Grievance and Health Care Grievance Appeal Withdrawal.

(a) With the exception of health care grievances determined to be health care staff complaints, the grievantpatient may withdraw a health care grievance or health care grievance appeal by requesting to have the processing stopped at any point up to receiving a signed response.

(b) The request to withdraw a health care grievance or health care grievance appeal shall identify the reason for the withdrawal in Section E of the CDCR 602 HC, and shall be signed and dated by the grievantpatient. The grievantpatient may also submit a written request to the reviewing authority, including the reason for withdrawal, grievantpatient signature, and date.

(c) If there is agreed-upon relief noted in writing at the time of a withdrawal and the relief is not provided, the grievantpatient may submit a new separate health care grievance on that issue within 30 calendar days of the failure to receive relief.

Subsections 3999.235(d) through 3999.235(e) remain unchanged.

(1) The grievantpatient shall be provided a response of acceptance of the request to withdraw a health care grievance or health care grievance appeal.

(2) If the request to withdraw a health care grievance or health care grievance appeal is not accepted, the processing of the health care grievance or health care grievance appeal shall continue and a response shall be issued, unless the grievantpatient is paroled, deceased, or discharged pursuant to section 3999.237.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; *Armstrong v. Newsom* (No. C-94-2307-CW), U.S. District Court, Northern District of California; *Coleman v. Newsom* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.236 is amended to read:

3999.236. Abuse of the Health Care Grievance Process.

Subsections 3999.236(a) through 3999.236(a)(2) remain unchanged.

(3) The grievantpatient continues to submit health care grievances or health care grievance appeals contrary to section 3999.227.

(b) After the HCGO identifies health care grievance abuse and provides a written and verbal warning to the grievantpatient, the headquarters' level reviewing authority shall have the discretion to authorize preparation and issuance of a notice restricting the grievantpatient to one routine health care grievance every 30 calendar days for a period of up to one year. Any subsequent violation of the health care grievance restriction may result in an extension of the restriction for up to an additional one-year period upon approval by the headquarters' level reviewing authority.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 148.6(a) and 5054, Penal Code; *Armstrong v. Newsom* (No. C-94-2307-CW), U.S. District Court, Northern District of California; *Coleman v. Newsom* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.237 is amended to read:

3999.237. Changes in Health Care Jurisdiction.

- (a) If the grievantpatient is temporarily outside health care jurisdiction for an indeterminate amount of time, including, but not limited to, out-to-court or at an offsite hospital, and not expected to return before the time limits for responding to the health care grievance or health care grievance appeal have expired, the health care grievance or health care grievance appeal may be rejected pursuant to section 3999.234(a). Upon return to health care jurisdiction, the grievantpatient may resubmit the health care grievance or health care grievance appeal pursuant to section 3999.234(b).
- (b) Paroled. If the grievantpatient paroles before the time limits expire for responding to a health care grievance or health care grievance appeal, the grievantpatient shall not receive a response.
- (c) Deceased or Discharged. If the grievantpatient is deceased or discharged before the time limits expire for responding to a health care grievance or health care grievance appeal, a response will not be prepared.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; *Armstrong v. Newsom* (No. C-94-2307-CW), U.S. District Court, Northern District of California; *Coleman v. Newsom* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Subchapter 3. Health Care Operations

Article 1. Complete Care Model

Section 3999.303 is amended to read:

3999.303. Scheduling and Access to Care.

Subsections 3999.303(a) through 3999.303(b) remain unchanged.

(1) All California Department of Corrections and Rehabilitation (CDCR) ~~inmates~~incarcerated persons shall have access to medically necessary health care services 7 days per week, 24 hours per day.

Subsections 3999.303(b)(1)(A) through 3999.303(d)(4)(D) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.309 is amended to read:

3999.309. Patient Care During Pregnancy and Childbirth.

Subsections 3999.309(a) through 3999.309(a)(3) remain unchanged.

(b) CDCR shall conduct a health screening, including a pregnancy screening, for all female ~~inmates~~incarcerated persons upon reception.

Subsections 3999.309(c) through 3999.309(l)(3) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3406, 3409 and 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.310 is amended to read:

3999.310. Patient Health Care Education.

Subsections 3999.310(a) through 3999.310(d) remain unchanged.

(1) Patients may be referred to a PHE group by any staff member, or they may request enrollment by submitting a ~~CDCR 22, Inmate/Parolee Request for Interview, Item or Service, or CDCR 7362,~~ Health Care Services Request. The patient shall be notified of the results of the request in writing via institutional mail within 14 business days of the request.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3407, 3409 and 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Article 4. Nursing Care

Section 3999.327 is amended to read:

3999.327. Registered Nurse Pronouncement of Death.

Subsections 3999.327(a) through 3999.327(e) remain unchanged.

(f) Notification of the next of kin shall occur pursuant to section 3999.417, ~~Inmate~~Incarcerated Person Deaths.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Article 5. Mental Health Care

Section 3999.330 is amended to read:

3999.330. Availability of Services and Treatment.

(a) The Department will provide a broad range of mental health services to patients and ~~parolees~~ supervised persons by assessing the needs of its population and developing specialized programs of mental health care, to the extent resources are available for this purpose. Necessary and appropriate mental health services will be provided to patients and ~~parolees supervised persons,~~ and adequate staff and facilities will be maintained for the delivery of such services.

(b) When a patient is found to require mental health care not available within these resources, but which is available in the Department of State Hospitals, the case will be referred to the Secretary for consideration of temporary transfer to that department pursuant to Penal Code section 2684.

(c) Recognizing that many ~~parolees supervised persons~~ supervised persons have unique treatment needs not readily met by community mental health programs, and that the promptness and appropriateness of those needs affect public safety, the Department provides outpatient clinics for ~~parolees supervised persons.~~ These clinics are conducted in widely distributed locations throughout the state at times and places such that they are available to ~~parolees supervised persons,~~ and that they shall maintain close working relationships with parole supervisors, paroling authorities, and the community in which the ~~parolee-supervised person~~ supervised person resides.

Subsections 3999.330(d) through 3999.330(f) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2684, 5054 and 5079, Penal Code.

Section 3999.342 is amended to read:

3999.342. Placement in a Department of State Hospitals Hospital.

Subsections 3999.342(a) through 3999.342(a)(5) remain unchanged.

(b) Patients and ~~parolees~~ supervised persons who require emergency psychiatric hospitalization shall be entitled to a certification review hearing pursuant to Welfare and Institutions Code section 5256 at the DSH hospital in lieu of the above hearing and waiver requirements.

(c) Patients and ~~parolees~~ supervised persons housed in DSH hospitals remain under the jurisdiction of the Department and shall not be permitted to leave the hospital grounds without the specific authorization of the Secretary.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5150 and 5250 through 5256, Welfare and Institutions Code; Sections 2684, 2974 and 5054, Penal Code; and *Vitek v. Jones* (1980) 445 U.S. 480, 100 S.Ct. 1254.

Article 6. Dental Care

Section 3999.367 is amended to read:

3999.367. Dental Care.

Subsections 3999.367(a) through 3999.367(g)(1) remain unchanged.

(2) ~~Inmates~~ Incarcerated persons remaining on RC status at an RC for 180 calendar days or longer shall be notified within 10 business days after completion of the 180th day that they are eligible to receive an initial comprehensive dental examination performed by a dentist according to the terms described in subsection (h)(1).

Subsections 3999.367(g)(3) through 3999.367(l)(1) remain unchanged.

(2) ~~Inmates~~ Incarcerated persons shall be allowed to brush their teeth at least once a day within the facility's security guidelines and encouraged to brush after meals.

(3) ~~Inmates~~ Incarcerated persons shall be allowed to use dental floss or flossers once a day within the facility's security guidelines.

Subsections 3999.367(m) through 3999.367(v) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3424 and 5054, Penal Code; and *Perez, et al. v. Cate, et al.*, USDC no. 3:05-cv-05241-JSW (No. Cal.).

Article 8. Pharmacy

Section 3999.384 is amended to read:

3999.384. Handling of Confiscated Medications.

Subsections 3999.384(a) through 3999.384(a)(8) remain unchanged.

(A) Medications passed to other patients or ~~inmates~~ incarcerated persons.

Subsections 3999.384(a)(8)(B) through 3999.384(c)(4) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Section 4076, Business and Professions Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Article 9. Durable Medical Equipment/Supplies and Accommodations

Section 3999.391 is amended to read:

3999.391. Maintenance of Durable Medical Equipment and Medical Supplies.

Subsections 3999.391(a) through 3999.391(j) remain unchanged.

(k) Damage to DME by another ~~inmate~~ incarcerated person shall be the responsibility of the ~~inmate~~ incarcerated person who caused the damage.

Subsection 3999.384(l) remains unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Armstrong Remedial Plan. *Armstrong v. Newsom* (No. C94-2307 CW), U.S. District Court, Northern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.392 is amended to read:

3999.392. Patient Transfer, Release, or Parole with Durable Medical Equipment.

Subsections 3999.392(a) through 3999.392(g) remain unchanged.

(h) Pre-ordered DME received by an institution after the patient is paroled shall be forwarded to the parole unit supervising the ~~parolee~~ supervised person.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Armstrong Remedial Plan. *Armstrong v. Newsom* (No. C94-2307 CW), U.S. District Court, Northern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Article 10. Emergency Medical Response

Section 3999.402 is amended to read:

3999.402. Off-Site Emergency Health Care Attention.

(a) Emergency health care attention. If an ~~inmate~~ incarcerated person is away from a facility for authorized reasons, such as assignment to a camp or transportation between institutions, and becomes seriously ill or injured, emergency health care attention by available resources shall be obtained by the official in charge. Community physicians and hospitals shall be used if the patient's condition does not permit prompt return to a Department medical facility.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Article 13. ~~Inmate~~Incarcerated Person Deaths

Section 3999.417 is amended to read:

3999.417. ~~Inmate~~Incarcerated Person Deaths.

(a) The institution head shall maintain a valid service agreement with local mortuaries to provide services such as cremation, transportation, and/or other services related to the disposition of a deceased ~~inmate's~~ incarcerated person's body.

(b) When an ~~inmate's~~ incarcerated person's death occurs away from an institution/facility, the body of the deceased shall, unless the county coroner orders otherwise, be released to a licensed funeral director in the community where the death occurred.

Subsections 3999.417(c) through 3999.417(d) remain unchanged.

(e) Staff shall review the decedent's central file and locate the current Notification in Case of ~~Inmate~~ Death, Serious Injury, or Serious Illness of an Incarcerated Person to identify the ~~inmate's incarcerated person's~~ next of kin or person(s) to be notified, and to determine the existence of a will. The Notification is to be completed annually or when the ~~inmate incarcerated person~~ is transferred. Counseling staff are to complete the Notification and must witness the ~~inmate's incarcerated person's~~ dated signature. The Notification is not to be used as a will. The Notification shall include:

(1) ~~Inmate~~Incarcerated person name, CDCR number, personal identification number, and current institution.

Subsections 3999.417(e)(2) through 3999.417(e)(3) remain unchanged.

(4) Whether the ~~inmate incarcerated person~~ is a foreign national.

(f) Staff shall attempt to notify individual(s) listed on the Notification in Case of ~~Inmate~~ Death, Serious Injury, or Serious Illness of an Incarcerated Person as the person(s) to be notified of the death, in person, or, if personal contact is not practical, by telephone. Staff shall send a telegram notification to the next-of-kin, person(s) to be notified and/or legally appointed representative, offering consolation, which shall include:

Subsections 3999.417(f)(1) through 3999.417(g) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2082, 5021, 5022, 5054 and 5061, Penal Code; Sections 1797.188, 1797.189, 7104, 7200, 7201 and 7302, Health and Safety Code; and Sections 12525, 27491, 27491.2 and 27491.3, Government Code.

Section 3999.418 is amended to read:

3999.418. Inmate Incarcerated Person Death Reporting.

Subsections 3999.418(a) through 3999.418(c) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

3999.419. Inmate Incarcerated Person Death Records.

Subsection 3999.419(a) remains unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 3200-3212, Probate Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Subchapter 4. Special Circumstances

Article 1. Health Care

Section 3999.425 is amended to read:

3999.425. Donation and Sale of Blood.

(a) Institution heads may permit, subject to acceptance by a blood collection agency, ~~inmates~~ incarcerated persons to donate blood for charitable and research purposes or to sell their blood only when needed blood cannot be reasonably and readily obtained from other sources. When a

blood sale is authorized, the ~~inmate~~incarcerated person must receive from the purchaser a payment equal to the current market price for purchases of the same type blood. The facility may impose an additional charge to the purchaser to retrieve the cost of Department resources used in the drawing of the blood. Proceeds of such charges shall be deposited in the ~~inmate~~Incarcerated ~~Welfare~~ Fund.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Section 3999.426 is amended to read:

3999.426. ~~Inmate Workers~~Incarcerated Workers.

(a) ~~Inmate workers~~Incarcerated workers. Only trained or certified ~~inmate~~incarcerated person shall operate health care equipment. ~~Inmate~~Incarcerated person shall not be permitted to:

(1) Schedule appointments.

(2) Determine another ~~inmate's~~incarcerated person's access to health care services.

Subsections 3999.426(a)(3) through 3999.426(a)(7) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Section 3999.427 is amended to read:

3999.427. Hunger Strike.

(a) ~~Inmate~~Incarcerated person who are participating in an individual or mass organized hunger strike shall be provided health care (including assessment, monitoring, and treatment) regardless of the reason for their strike.

Subsections 3999.427(b) through 3999.427(c)(2) remain unchanged.

(3) When custody staff identifies an ~~inmate~~incarcerated person as a participant in a hunger strike, staff shall adhere to the following timelines:

Subsections 3999.427(c)(3)(A) through 3999.427(e)(3) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 3200-3212, Probate Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Section 3999.429 is amended to read:

3999.429. Medical Sick Call.

(a) Medical sick call. Each department facility confining ~~inmates~~incarcerated persons shall provide scheduled times and locations for general population ~~inmates~~incarcerated persons. A medical doctor, registered nurse, or medical technical assistant shall make daily visits to each non-general population housing unit to provide medical attention to patients unable to use the sick call services provided for general population. Staff conducting sick call shall screen medical problems appearing to require further medical attention and shall evaluate requests for appointments with other medical staff. A facility physician shall personally visit each specialized housing unit at least once each week.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Section 3999.432 is amended to read:

3999.432. Health Care Treatment for ~~Parolees~~Supervised Persons.

Subsection 3999.432(a) remains unchanged.

(b) Community treatment. Health care for ~~parolees~~supervised persons shall normally be provided by private physicians and community medical facilities, as desired by the ~~parolee~~supervised person and at the ~~parolee's~~supervised person's own expense.

(c) Facility treatment. When a ~~parolee~~supervised person requires medical, surgical, psychiatric, or dental care of an emergency nature and community resources are not available or lack the security required for retention and treatment of the ~~parolee~~supervised person, the district parole administrator or their designee may arrange with the facility Chief Medical Executive, Supervising Dentist or the Chief Psychiatrist for the ~~parolee's~~supervised person's return to Department custody for emergency treatment.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

CDCR NUMBER:	PID NUMBER:	DATE OF BIRTH:	RELEASING INSTITUTION:	RELEASE STATEMENT NUMBER:
INCARCERATION DATE:	RELEASE DATE:	AUTHORIZED STATE ALLOWANCE: \$	RELEASEE'S/RELEASED PERSON'S NAME:	
PAROLE FIELD UNIT:		DESTINATION AND FORWARDING ADDRESS:		

I. RELEASE TYPE (Check One): (see page 2 for acronyms)

<input type="checkbox"/> ACP	<input type="checkbox"/> CCTRP/MCRP	<input type="checkbox"/> Discharge	<input type="checkbox"/> Exonerated
<input type="checkbox"/> Medical Parole	<input type="checkbox"/> Parole	<input type="checkbox"/> PRCS	<input type="checkbox"/> Release to DSH
<input type="checkbox"/> Release to HOLD	<input type="checkbox"/> Release to U.S. ICE	<input type="checkbox"/> WFP	<input type="checkbox"/> Other (Specify): _____

II. INCARCERATED PERSON/INMATE DISBURSEMENT SELECTION – Option of receiving the release allowance and any trust account balance (Check One):

Debit Card State Check ~~Inmate~~ Incarcerated person did not select disbursement option. Check(s) to be issued.

III. APPROVED

WARDEN'S REPRESENTATIVE – Print Name:	WARDEN'S REPRESENTATIVE – Signature:	DATE:
---------------------------------------	--------------------------------------	-------

IV. CLOTHING AUTHORIZATION (CHECK ALL THAT APPLY):

<input type="checkbox"/> Top - Shirt/Blouse/Sweatshirt	<input type="checkbox"/> Bottom - Pants/Sweatpants	<input type="checkbox"/> Undergarments
<input type="checkbox"/> Outerwear - Jacket/Coat/Sweater	<input type="checkbox"/> Footwear - Boots/Shoes/Sandals	Clothing Cost: \$ _____

V. IDENTIFICATION CARDS

CALIFORNIA (CA) ID NUMBER:	MEDICAL CARD NUMBER:
----------------------------	----------------------

VI. RESOURCES AND DISTRIBUTION:

	Amount:
A. Personal Resources	
a. Debit Card RPID Number: _____	\$ _____
b. Trust Check Number: _____	\$ _____
c. Bonds and Securities: <input type="checkbox"/>	\$ _____
Total Personal Resources: (a+b+c)	\$ _____
B. Exonerated Allowance	
a. State Check # _____	Total Exonerated Allowance: \$ _____
C. State Release Allowance	
a. Total State Allowance	\$ _____
b. Less Clothing (From Section IV)	\$ _____
c. Less Transportation Charges (Voucher # _____)	\$ _____
d. Less Advance to Temporary Release	\$ _____
State Allowance Disbursed By: (CHECK ONE)	Net State Allowance: (a to d) \$ _____
<input type="checkbox"/> Debit Card: RPID # _____	<input type="checkbox"/> State Check: Check # _____
	<input type="checkbox"/> Cash <small>(ACP/CCTRP/MCRP or Contingency)</small>
Debit Card Activation Date: _____	

<p>NOTE TO RELEASEE/RELEASED PERSON: To avoid being charged the debit card contractor or third party fees, remove all funds from debit card within 30 days of activation date above. Refer to the cardholder agreement for additional information.</p>	<p>Total loaded to debit card: \$ _____</p>
---	--

VII. SIGNATURES AND ACKNOWLEDGEMENTS

I hereby acknowledge receipt of one or more of the following: CA ID Card, medical card, clothing, debit card with terms and conditions, instructional flyer, check(s), cash, or transportation voucher, as indicated above.	RELEASEE/RELEASED PERSON SIGNATURE: _____	DATE: _____
	WITNESS - Print Name: _____	DATE: _____
	WITNESS - Signature: _____	

RELEASE STATEMENT

CDCR 102 (Rev. 07/3/24)

Page 2 of 2

ACRONYM	TITLE
ACP	Alternative Custody Program
CCTRP/MCRP	Custody to Community Transitional Reentry Program/Male Community Reentry Program
DSH	Department of State Hospitals
PID	Prisoner Identification Number
PRCS	Post-Release Community Supervision
U.S. ICE	United States Immigration and Customs Enforcement
WFP	Women and Family Program

**PROPERTY AND CASH RECEIPTS –
ARRIVAL CDCR 104(Rev. 07/24 6/13)**

<u>INCARCERATED PERSON'S INMATE'S NAME</u>	NUMBER	CASH PLACED IN <u>INCARCERATED PERSON'S INMATE'S ACCOUNT</u>
--	--------	--

DISPOSITION CODE: K=KEPT IN POSSESSION (WATCHES, RINGS, AND METALS VALUED LESS THAN \$30)
M=MAIL D=DONATED S=HELD IN SAFE V=VAULT

QUANTITY	ARTICLES	DISP.	QUANTITY	ARTICLES	DISP.	QUANTITY	ARTICLES	DISP.
	BELT			SUIT			DENTURES	
	BLOUSE			SWEATER			DRIVER'S LICENSE	
	CAP			TANK TOP			EYEGLASSES	
	COAT			UNDERWEAR			KEYS	
	DRESS							
	HANDKERCHIEF							
	HAT			LEGAL PAPERS			MEDICAL ID	
	JACKET			LETTERS			MISC. ID	
	NECKTIE/SCARF			PHOTOS			MARR. CERT.	
	OVERCOAT			PURSE			BIRTH CERT.	
	PAJAMAS			BILLFOLD			SEL. SER. CARD	
	PANTS/SLACKS			BOOKS			SOC. SEC. CARD	
	SHIRT			BIBLE			RELIGIOUS MEDALS	
	SHOES			DICTIONARY			RING	
	SHORTS						SUNGLASSES	
	SKIRT						WATCH	
	SLIPPERS			COIN				
	SOCKS			CURRENCY				
	STOCKINGS			CANTEEN DUCAT				

DESCRIPTION OF ITEMS ALLEGED BY INCARCERATED PERSON INMATE TO HAVE A VALUE OVER \$30

DESCRIPTION OF ITEMS "TO BE DESTROYED"

ARTICLES LISTED AS "MAIL" ABOVE ARE TO BE FORWARDED TO: NAME	ADDRESS
CITY	STATE AND ZIP CODE

CLAIM AND RELEASE

I relinquish all claim to the articles listed above as "Donated", and hereby acknowledge receipt of articles listed as "Kept in Possession". The above is a correct inventory of personal property in my possession at the time of admission.

SIGNATURE OF <u>INCARCERATED PERSON INMATE</u>	DATE	WITNESSING OFFICER
--	------	--------------------

I hereby authorize destruction of articles listed above as "To be Destroyed"

SIGNATURE OF <u>INCARCERATED PERSON INMATE</u>	DATE	WITNESSING OFFICER
--	------	--------------------

I hereby acknowledge receipt of the articles listed above as "Held in Safe" which was given to me upon my release from the institution.

SIGNATURE OF <u>INCARCERATED PERSON INMATE</u>	DATE	WITNESSING OFFICER
--	------	--------------------

DISTRIBUTION Incarcerated Person Inmate (White)
 ORIG: Property File (Canary)
 CC: Trust Office (Pink)
 Central File (Green)

NAME: _____ CDCR NUMBER: _____ INSTITUTION: _____

On _____, a Security Threat Group (STG) validation package regarding subject was received from Institution STG Investigator _____ at _____.

TOTAL NUMBER OF ITEMS SUBMITTED FOR REVIEW: ()

The following items **meet** the validation requirements:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)

TOTAL NUMBER OF ITEMS WHICH MEET VALIDATION REQUIREMENTS: ()

The following items **do not meet** the validation requirements and WERE SHALL NOT be used as a basis for validation:

- 1)
- 2)
- 3)

TOTAL NUMBER OF ITEMS WHICH DO NOT MEET VALIDATION REQUIREMENTS: ()

ACTION OF REVIEWER

Pursuant to the validation requirements established in CCR, Title 15, Section 3378, _____ is recommended for the following action:

VALIDATION

REJECTION OF VALIDATION

as a _____ of the _____ Security Threat Group.

SPECIAL AGENT, REVIEWER

SPECIAL AGENT, REVIEWER

PRINTED NAME

PRINTED NAME

DISTRIBUTION:

Original – Central File
Copy – Classification & Parole Representative/Parole Administrator I
Copy – Institution STG Investigator/Region STG Coordinator
Copy – Office of Correctional Safety – Special Service Unit
1st Copy – Offender/Parolee Supervised Person date: _____ by _____
Final Copy – Offender/Parolee Supervised Person date: _____ by _____

STG Unit/Institutional Classification
Committee Review Date:

Designation (i.e., STG-I (EME) Associate):

STG Unit Classification Committee Chairperson Printed Name: _____

STG Unit Classification Committee Chairperson Signature:

DATE:

NAME	CDCR NUMBER	INSTITUTION/PRISON	HOUSING
------	-------------	--------------------	---------

On _____ an investigation was initiated into your suspected membership and/or association with a Security Threat Group (STG) I and/or STG II recognized by the California Department of Corrections and Rehabilitation as defined in Section 3000 of the California Code of Regulations. The investigation revealed sufficient evidence to identify you as a:

MEMBER ASSOCIATE DROPOUT OF THE STG I: _____ STG II: _____

An interview relative to this investigation and suspected STG affiliation shall be held not less than 72-hours from the date of this notification unless otherwise requested by you in writing. During this interview, you will be given an opportunity to be heard and have your opinion documented relative to the evidence considered in this validation. Written rebuttals may be submitted at the time of the interview.

BE ADVISED: ANY SHU ELIGIBLE STG RELATED BEHAVIOR WHICH OCCURS AFTER THE CONCLUSION OF THE STG VALIDATION INTERVIEW WILL BE DOCUMENTED, AND IF YOU ARE FOUND TO BE ACCOUNTABLE FOR THE BEHAVIOR, IT WILL BE CONSIDERED BY THE INSTITUTION CLASSIFICATION COMMITTEE FOR PLACEMENT IN THE STEP DOWN PROGRAM.

DISCLOSURE OF EVIDENCE

The following source documents were considered in your identification as a member or associate of the aforementioned STG. All confidential documents shall be disclosed via CDCR 1030, Confidential Information Disclosure Form. Each source document shall be identified by type (I.E. CDCR 128-B, CDCR 115, Confidential Report, etc.) and date of the report.

- SYMBOLS:
- WRITTEN MATERIALS (Not in Possession):
- ASSOCIATION:
- INFORMANTS:
- DEBRIEF REPORTS:
- WRITTEN MATERIALS (Personal Possession):
- PHOTOGRAPHS:
- STAFF INFORMATION:
- OTHER AGENCIES:
- VISITORS:
- COMMUNICATIONS:
- SELF ADMISSION:
- OFFENSES: (STG RELATED):
- TATTOOS AND/OR BODY MARKINGS:
- LEGAL DOCUMENTS:

Copies of all documents and/or disclosures were provided to the incarcerated person ~~inmate~~ as required per CCR Section 3378 and Departmental Operations Manual (DOM) by:

NAME	CLASSIFICATION	DATE	TIME
------	----------------	------	------

(Print & Sign)

Additional comments: (Use this space to record any comments made by the incarcerated person ~~inmate~~ at the time of disclosure)

DISTRIBUTION: Original-C-File Copies-OCS, STG Investigator, Incarcerated Person ~~Inmate~~

DATE:

SECURITY THREAT GROUP VALIDATION CHRONO

CDCR 128-B5 (Rev. 0407/2424)

SECURITY THREAT GROUP VALIDATION CHRONO

NAME: _____ NUMBER: _____ HOUSING: _____

On _____, the Security Threat Group (STG) Investigations Unit completed an investigation of Incarcerated Person ~~mate~~ _____ (CDCR #) regarding his current STG status. (*Hereafter _____ will be referred to as SUBJECT*) Per the California Code of Regulations (CCR) Title 15, Section 3378, there is sufficient evidence to refer SUBJECT to the STG Unit Classification Committee for consideration of validation as **Member/Associate** of the _____ STG.

The following documents are being submitted relative to this investigation:

- 1) **Source Document** _____
- 2) **Source Document** _____
- 3) **Source Document** _____

DISCLOSURE AND NOTIFICATION

Mental Health Assessment: Subject **is/is not** a participant in the MHSDS. Subject's reading level is ___ as indicated on _____ (DECS, Reading Level). Staff assistant **was/was not** assigned. If assigned Staff Assistant: **Staff member's name/ title**, met with Subject at least 24 hours prior to the source item interview and **was/was not** present during the interview. Effective communication was achieved by _____.

On _____, at _____ hours all information was being disclosed to SUBJECT being utilized in the validation process. If applicable, confidential information was disclosed to SUBJECT via CDCR Form 1030, Confidential Information Disclosure Form. SUBJECT was further advised an interview regarding the information obtained during this investigation would be held not less than 72-hours from the time of the disclosure.

INTERVIEW

On _____, at approximately _____ hours SUBJECT was interviewed regarding the documents utilized in the validation package. SUBJECT **provided/did not provide** a written response addressing all documents used in the review process.

SUBJECT provided the following verbal information related to the identified source items. (**Investigator to provide summary of validation interview**).

Subject was informed that any SHU eligible STG related behavior which occurs after the conclusion of the STG validation interview will be documented, and if they are determined to be accountable for the behavior, it will be considered by the Institution Classification Committee for possible placement in the Step Down Program.

CONCLUSION

Upon reviewing the written response and after a thorough review of the evidence, it was determined SUBJECT'S claims **have/have no** merit and **warrant/do not warrant** further investigation.

The STG Investigator has concluded there **is/is not** sufficient evidence to support referral to OCS and the STG Unit Classification Committee for consideration of validation as a **member/associate** of the _____ STG.

The aforementioned information will be forwarded to the Office of Correctional Safety for review of SUBJECT'S STG validation.

STG Investigator (Print & Sign)

STG Lieutenant (Print & Sign)

DATE:

CDCR NUMBER	INCARCERATED PERSON'S INMATE'S NAME (PRINT OR TYPE)	FACILITY
-------------	---	----------

Thereby acknowledge receipt of:

- A copy of The Rules and Regulations of the Director of Corrections.
- Information regarding available programs for earning term reducing credits.

INCARCERATED PERSON'S INMATE'S SIGNATURE	DATE
--	------

CDCR 128-0 (07/24 ~~8/92~~)

DOCUMENT RECEIPT

CDCR NUMBER	INCARCERATED PERSON'S INMATE'S NAME (PRINT OR TYPE)	FACILITY
-------------	---	----------

Thereby acknowledge receipt of:

- A copy of The Rules and Regulations of the Director of Corrections.
- Information regarding available programs for earning term reducing credits.

INCARCERATED PERSON'S INMATE'S SIGNATURE	DATE
--	------

CDCR 128-0 (07/24 ~~8/92~~)

DOCUMENT RECEIPT

CDCR NUMBER	INCARCERATED PERSON'S INMATE'S NAME (PRINT OR TYPE)	FACILITY
-------------	---	----------

Thereby acknowledge receipt of:

- A copy of The Rules and Regulations of the Director of Corrections.
- Information regarding available programs for earning term reducing credits.

INCARCERATED PERSON'S INMATE'S SIGNATURE	DATE
--	------

CDCR 128-0 (07/24 ~~8/92~~)

DOCUMENT RECEIPT

STATE OF CALIFORNIA
INMATE INCARCERATED
PERSON PASS

DEPARTMENT OF CORRECTIONS
and REHABILITATION
CDCR 129 (~~7-00~~07/24)

<u>INMATE INCARCERATED</u> PERSON'S NAME	CDC R #:	HOUSING #:
ISSUED BY:	DATE:	PASS FROM:
PASS TO:	DATE:	TIME:
REASON:		
ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

DISTRIBUTION:
ORIGINAL – INSTITUTION FILE
CANARY – ~~INMATE INCARCERATED PERSON~~ FILE
PINK – INSTITUTION PENDING FILE

~~Inmate~~Incarcerated Person _____, CDCR # _____ is
hereby notified (NAME)
that _____ of _____ is requesting to
(MEDIA REPRESENTATIVE) (AFFILIATION)

interview and/or photograph ~~him/her~~ them. The photographs may be either still or videotape.

I have personally delivered this notice to the ~~inmate~~ incarcerated person identified above.

STAFF SIGNATURE

DATE

I understand I am not required by law or the California Department of Corrections and Rehabilitation (CDCR) to agree to media interviews or contacts.

I understand it is my right to consent or decline media interviews or contacts.

Check the appropriate boxes:

~~INMATE~~ INCARCERATED PERSON **DECLINES TO MEDIA CONTACT:**

- 1. I decline to be interviewed by this media agency or media representative.
- 2. I decline to be interviewed by any media.
- 3. I decline to be photographed or filmed.

~~INMATE~~ INCARCERATED PERSON **CONSENTS TO MEDIA CONTACT:**

- 1. Undersigned consents to be interviewed.
- 2. Undersigned consents to be tape recorded.
- 3. Undersigned consents to be photographed or filmed.

The undersigned on behalf of ~~him/herself~~ themselves, heirs, executors, administrators and assignees hereby fully and forever releases the State of California, its agencies, departments, officers, employees and agents from any and all liability which may accrue on account of any and all claims or causes of actions, including, but not limited to libel, slander and invasion of the right to privacy, which in any way may arise from the undersigned's participation in being photographed, either still or videotaped, and/or recorded or the interview material.

I understand this form is a public document.

I understand this statement is given by me freely and voluntarily without any promises, threats, duress, or compensation and that I may cancel or amend the above decision at anytime by notifying the Warden in writing.

INMATE'S <u>INCARCERATED PERSON'S</u> SIGNATURE WITH STAFF WITNESS PRESENT		CDCR NUMBER	DATE
INMATE'S <u>INCARCERATED PERSON'S</u> NAME – PRINT		INSTITUTION	HOUSING ASSIGNMENT
STAFF WITNESS' SIGNATURE	PRINTED NAME	RANK / TITLE	DATE

APPLICATION FOR HANDICRAFT PRIVILEGE
CDCR 165 (Rev 07/2495)

INCARCERATED PERSON'S/INMATE'S PRINTED NAME		CDCR NUMBER	TODAY'S DATE
HOUSING	PRIVILEGE GROUP	SIGNATURE OF CORRECTIONAL COUNSELOR VALIDATING PRIVILEGE GROUP	

I AM REQUESTING TO PARTICIPATE IN THE FOLLOWING HANDICRAFT WORK

First Choice: _____

Second Choice: _____

Third Choice: _____

~~INMATE'S~~ INCARCERATED PERSON'S SIGNATURE

APPROVAL/DISAPPROVAL

APPROVED

DISAPPROVED *(Provide reason per CCR 3100)*

REASON(S) FOR DISAPPROVAL: _____

WARDEN OR DESIGNEE'S SIGNATURE

DATE SIGNED

- DISTRIBUTION:
- ORIGINAL - Central File
 - CANARY - ~~Inmate~~ Incarcerated Person
 - PINK - Handicraft Manager

TRUST ACCOUNT WITHDRAW ORDER

Date.....

To: Warden or Superintendent

Approved.....

I hereby request that my Trust Account be charged \$..... for the purpose stated below and authorize the withdrawal of that sum from my account:

.....

NUMBER

.....

NAME (Signature please, DO NOT PRINT)

State below the PURPOSE for which withdrawal is requested (do not use this form for Canteen or Hobby purchases).

PRINT PLAINLY BELOW name and address of person to whom check is to be mailed.

NAME.....

ADDRESS

PRINT YOUR FULL NAME HERE

.....

AUTHORIZATION FOR THE SECRETARY TO MAINTAIN TRUST ACCOUNT

Pursuant to Penal Code Sections 5008 and 5057, I understand that by signing this form, I authorize the Secretary of the Department of Corrections and Rehabilitation to maintain a trust fund account in my name, thus enabling me to make purchases from the canteen. I understand that I am not required to sign this form. I also understand that if I do not complete and sign this form, my canteen privileges will be lost.

PLEASE MARK YOUR CHOICE

- I hereby authorize the Secretary of Corrections and Rehabilitation to maintain a trust account in my name. I also authorize any interest earned on monies held for me in such trust shall be deposited into the Incarcerated ~~Inmate~~ Welfare Fund.
- I choose not to authorize the Secretary of Corrections and Rehabilitation to maintain a trust account in my name. I acknowledge that it shall be my responsibility to ensure that any funds in my trust account are appropriately disbursed. I understand I shall have no canteen access. I shall notify my family and friends to refrain from sending me future monetary contributions.

Signed and delivered in the presence of:

SIGNATURE OF WITNESS

SIGNATURE OF INCARCERATED PERSON ~~INMATE~~

TITLE

CDCR NUMBER

Executed at _____, California

this _____ day of _____, _____
DAY MONTH YEAR

Tracking #:

SECTION C: Health Care Grievance Appeal. If you are dissatisfied with the Institutional Level Grievance Response, explain the reason below (if more space is needed, use Section C of the CDCR 602 HC A), and submit the entire health care grievance package by mail for Headquarters' (HQ) Level health care grievance appeal review. Mail to: Health Care Correspondence and Appeals Branch, P.O. Box 588500, Elk Grove, CA 95758.

Grievant/Patient Signature: _____ **Date Submitted:** _____

SECTION D: HEALTH CARE GRIEVANCE APPEAL REVIEW HQ LEVEL: Staff Use Only	Is a CDCR 602 HC A attached? <input type="checkbox"/> Yes <input type="checkbox"/> No
This grievance has been:	
<input type="checkbox"/> Rejected (See attached letter for instruction): Date: _____ Date: _____	
<input type="checkbox"/> Withdrawn (see section E) <input type="checkbox"/> Accepted	
<input type="checkbox"/> Amendment Date: _____	
Interview Conducted? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of Interview: _____ Interview Location: _____	
Interviewer Name and Title (print): _____ Signature: _____ Date: _____	
Disposition: See attached letter <input type="checkbox"/> Intervention <input type="checkbox"/> No Intervention	
<i>This decision exhausts your administrative remedies.</i>	
HQ Use Only: Date closed and mailed/delivered to <u>grievant/patient</u> :	

SECTION E: **Grievant/Patient** requests to WITHDRAW health care grievance: I request that this health care grievance be withdrawn from further review. Reason:

Grievant/Patient Signature: _____ **Date Submitted:** _____

Staff Name and Title (Print): _____ **Signature:** _____ **Date:** _____

STAFF USE ONLY

I. CASE FACTORS					
CDCR NUMBER		NAME (LAST, FIRST, MI)		COUNTY OF COMMITMENT	COUNTY OF LAST LEGAL RESIDENCE
<input type="checkbox"/> NEW FELON	<input type="checkbox"/> PVWNT	CI&I #:	PLACEMENT SCORE	INSTITUTION	SCHEDULED RELEASE DATE
II. RESIDENCE PLANS					
<input type="checkbox"/> REQUESTS OUT-OF-COUNTY PAROLE/RELEASE		<input type="checkbox"/> REQUESTS OUT-OF-STATE PAROLE/RELEASE		<input type="checkbox"/> CHANGE OF ADDRESS	
PRIMARY RESIDENCE	WITH WHOM		RELATIONSHIP	PHONE NUMBER	
	STREET ADDRESS		CITY	COUNTY (STATE, IF INTERSTATE)	
ALTERNATE RESIDENCE	WHOM		RELATIONSHIP	PHONE NUMBER	
	STREET ADDRESS		CITY	COUNTY (STATE, IF INTERSTATE)	
III. SUPERVISION DETERMINATION BY CORRECTIONAL COUNSELOR/PAROLE AGENT					
a. Check <u>ALL</u> that apply on the <u>CURRENT TERM</u> :		b. Parole Terms	c. For PC 290 only	d. Supervision Determination	
<input type="checkbox"/> PC 667.5(c) <input type="checkbox"/> PC 1192.7(c)/1192.8 <input type="checkbox"/> LIFE SENTENCE		<input type="checkbox"/> PC 3000 exclusion	STATIC 99R SCORE: _____ <input type="checkbox"/> HRSO = Male with score 4 or more, Female with moderate or high risk.	<input type="checkbox"/> RELEASE TO STATE PAROLE REGION: <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV	<input type="checkbox"/> RELEASE TO COUNTY SUPERVISION
CORRECTIONAL COUNSELOR/PAROLE AGENT NAME (PRINT)		CORRECTIONAL COUNSELOR/PAROLE AGENT SIGNATURE		CONTACT NUMBER AND EXT.	DATE SIGNED
IV. SUPERVISOR REVIEW AND APPROVAL OF SCREENING DETERMINATION					
<input type="checkbox"/> I HAVE REVIEWED AND APPROVED THE SUPERVISION DETERMINATION		CSRA SCORE:		<input type="checkbox"/> Meets 3060.7 PC criteria (Check box if CSRA 5, CSRA manual req., or PC 290)	
CORRECTIONAL COUNSELOR/PAROLE SUPERVISOR NAME (PRINT Last, First)		CORRECTIONAL COUNSELOR/PAROLE SUPERVISOR SIGNATURE (Last, First)			DATE SIGNED
V. COUNTY AGENCY REPORTING INSTRUCTIONS					
COUNTY OFFICE:				PHONE NUMBER AND EXT.	
ADDRESS:			CITY:	STATE:	
COUNTY REPRESENTATIVE (Print Last Name, First)			COUNTY REPRESENTATIVE SIGNATURE		DATE SIGNED
<input type="checkbox"/> PC 3060.7 NOTED OR <input type="checkbox"/> NOT APPLICABLE, REPORT AS FOLLOWS:					
VI. CDCR PAROLE REPORTING INSTRUCTIONS					
ASSIGNED PAROLE UNIT	RE-ENTRY SCREENER'S NAME (PRINT)		RE-ENTRY SCREENER'S SIGNATURE		PHONE NUMBER AND EXT.
COUNTY OF RESIDENCE			STATE		<input type="checkbox"/> CDCR SUPERVISION LEVEL: _____ <input type="checkbox"/> Release per PC 3060.7 <input type="checkbox"/> COMPAS Case Plan Approved <input type="checkbox"/> Report As Follows (include date and time)
<input type="checkbox"/> RELEASE WITH FULL FUNDS <input type="checkbox"/> RELEASE WITH \$ _____ (BALANCE TO PAROLE UNIT)		<input type="checkbox"/> REPORT TO PAROLE AGENT: _____			
PAROLE OFFICE: _____			PHONE: _____		
STREET: _____		CITY: _____		STATE: _____	
PAROLE AGENT NAME (PRINT)	BADGE #	DATE SIGNED	SUPERVISOR SIGNATURE		BADGE # DATE SIGNED
VII. INCARCERATED PERSON INMATE RECEIVED A COPY OF REPORTING INSTRUCTIONS					
CDCR NUMBER	INCARCERATED PERSON INMATE NAME		INCARCERATED PERSON INMATE SIGNATURE		DATE SIGNED:
STAFF NAME (PRINT Last, First)		BADGE #	STAFF SIGNATURE		DATE SIGNED:

CDCR NUMBER	INCARCERATED/SUPERVISED PERSON INMATE /PAROLEE NAME	DATE OF STUDY
-------------	--	---------------

VIII. NOTIFICATION AND REGISTRATION REQUIREMENTS / SPECIAL INTEREST

NOTIFICATION (Check all that apply) <input type="checkbox"/> 3058.6 PC <input type="checkbox"/> 3058.61 PC <input type="checkbox"/> 3058.65 PC <input type="checkbox"/> 3058.8 PC <input type="checkbox"/> 3058.9 PC <input type="checkbox"/> 11150 PC	SPECIAL INTEREST <input type="checkbox"/> PUBLIC INTEREST CASE <input type="checkbox"/> SUBSTANCE ABUSE PROGRAM <input type="checkbox"/> SECURITY HOUSING UNIT
REGISTRATION <input type="checkbox"/> 11590 H&S <input type="checkbox"/> 290 PC <input type="checkbox"/> 186.30 PC <input type="checkbox"/> 457.1 PC	OTHER REQUIREMENTS <input type="checkbox"/> SUBJECT TO 645 PC <input type="checkbox"/> SUBJECT TO PC 11177.2 RESTITUTION <input type="checkbox"/> SUBJECT TO 3053.2 PC

IX. HOLD(S)

ICE HOLDS PLACED <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, INDICATE US ICE "A" NUMBER	ILLEGAL ALIEN: <input type="checkbox"/> ACTUAL <input type="checkbox"/> POTENTIAL <input type="checkbox"/> PREVIOUSLY DEPORTED
OTHER HOLD(S) <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, INDICATE AGENCY AND HOLD NUMBER	FOR CDCR TRACKING PURPOSES ONLY POTENTIAL: <input type="checkbox"/> 2962 PC (MDO) <input type="checkbox"/> 6601 W&IC <input type="checkbox"/> SVP SCREENING FORM COMPLETED OR (SVP) STATUS:

X. EMPLOYMENT PLANS

PRIMARY SOURCE OF INCOME	PERSON TO CONTACT	CONTACT TELEPHONE NUMBER
SECONDARY SOURCE OF INCOME	PERSON TO CONTACT	CONTACT TELEPHONE NUMBER

XI. CASEWORKER EVALUATION

HAS THE <u>INCARCERATED PERSON</u> INMATE SERVED IN ANY BRANCH OF THE US MILITARY?		<input type="checkbox"/> YES	<input type="checkbox"/> NO															
LIST WORK SKILLS, GANG AND ENEMY INFORMATION, AND KNOWN FAMILY PROBLEMS:																		
<input type="checkbox"/> VOCATIONAL PROGRAM:	<input type="checkbox"/> PIA:	<input type="checkbox"/> JOINT VENTURE PROGRAM:	<table border="1"> <tr> <td></td> <td>NOTED</td> <td>CLEAR</td> </tr> <tr> <td>812</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>812A</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>812B</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>812C</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		NOTED	CLEAR	812	<input type="checkbox"/>	<input type="checkbox"/>	812A	<input type="checkbox"/>	<input type="checkbox"/>	812B	<input type="checkbox"/>	<input type="checkbox"/>	812C	<input type="checkbox"/>	<input type="checkbox"/>
	NOTED	CLEAR																
812	<input type="checkbox"/>	<input type="checkbox"/>																
812A	<input type="checkbox"/>	<input type="checkbox"/>																
812B	<input type="checkbox"/>	<input type="checkbox"/>																
812C	<input type="checkbox"/>	<input type="checkbox"/>																

XII. SERIOUS DISCIPLINARIES

LIST CURRENT TERM RULES VIOLATION REPORTS FOR BATTERY ON STAFF OR INCARCERATED PERSON ~~INMATE~~, DISTRIBUTION OF DRUGS, POSS. OF A WEAPON, INCITING A DISTURBANCE, ARSON, ETC

XIII. MEDICAL/PSYCHIATRIC

PHYSICAL DISABILITY <input type="checkbox"/> NO DISABILITY <input type="checkbox"/> DPP	DEVELOPMENTAL DISABILITY (DD) <input type="checkbox"/> DD	TUBERCULOSIS (TB) SCREENING TB CODE DATED
--	--	--

Mental Health :

Per (Source document): _____ DATED: _____

Is not in the Mental Health Services Delivery System CCCMS EOP MHCB DEPT. OF STATE HOSPITALS INVOLUNTARY MEDICATION

LIST SPECIFIC MEDICAL/MENTAL HEALTH, OUTPATIENT CLINIC NEEDS, AND MEDICAL CONCERNS/DISABILITIES:

--

**NOTICE OF PENDING CDC-115-MH
CDCR 804 (Rev 08/0007/24)**

CHIEF DISCIPLINARY OFFICER: *This form is to be filled in at the time the CDC-115-MH is typed. The form is then immediately routed to the Records Office.*

RECORDS OFFICER: *Attach to the inside top-right of the inmate's incarcerated person's Central File. Remove upon filing of finalized CDC-115-MH.*

THE BELOW INDICATED ~~INMATE~~ **INCARCERATED PERSON** HAS RECEIVED A **RULES VIOLATION REPORT (CDC-115-MH)** WHICH IS CURRENTLY BEING PROCESSED

INMATE INCARCERATED PERSON NUMBER		HOUSING	CDC-115-MH LOG
DATE OF CDC-115-MH	VIOLATED RULE NUMBER AND TITLE		INCIDENT TYPE

ISL INFORMATION

<input type="checkbox"/> RECISSION HEARING PENDING	RELEASE DATE	BOARD DATE
---	--------------	------------

DSL INFORMATION

MINIMUM DATE EPRD	The disciplinary may result in the loss of the below indicated type and amount of credit:						
	Div. A-1 181-360	Div. A-2 151-180	Div. B 121-150	Div. C 91-120	Div. D 61-90	Div. E 31-60	Div. F 0-30
MAXIMUM DSL DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 D.A. REFERRAL
 RELEASE DATE WITHIN 90 DAYS

CDC-115-MH PENDING

NOTICE OF CRITICAL INFORMATION - CONFIDENTIAL ENEMIES

CDCR 812-C (Rev 07/8/2401)

CONFIDENTIAL

THIS FORM IS NOT FOR DISTRIBUTION TO INMATES INCARCERATED / PAROLEE SUPERVISED PERSONS

This form shall be used to identify inmates incarcerated and/or potential inmates incarcerated persons who require separation based on confidential information. Refer to CCR 3378 for additional information.

Table with 9 columns: CONFIDENTIAL ENEMIES, DATE, DATE, DATE, DATE, DATE, DATE, CDCR NUMBER, PRINT NAME, PRIMARY SUPPORTING DOCUMENTATION, CURRENT LOCATION, CURRENT LOCATION, CURRENT LOCATION, CURRENT LOCATION, CURRENT LOCATION, CURRENT LOCATION.

Table with 5 columns: DELETION OF CONFIDENTIAL ENEMIES, CDCR NUMBER, PRINT NAME, DOCUMENT DELETING ENEMY ISSUE, DELETE DATE, PRINT NAME, TITLE, INST / REGION, INITIALS OF PERSON DELETING.

Table with 4 columns: STAFF COMPLETING CONFIDENTIAL UPDATE, PRINT NAME AND WRITE INITIALS, TITLE, INSTITUTION / REGION, DATE.

CRIME / INCIDENT REPORT**PART A - COVER SHEET**

CDCR 837-A (Rev. 10/15/07/24)

PAGE ____ Of ____

INCIDENT LOG NUMBER

INCIDENT DATE

INCIDENT TIME

INSTITUTION	FACILITY	FACILITY LEVEL	INCIDENT SITE	LOCATION	PROGRAM	AD / SEG	USE OF FORCE <input type="checkbox"/> YES <input type="checkbox"/> NO
SPECIFIC CRIME / INCIDENT				<input type="checkbox"/> N/A <input type="checkbox"/> CCR <input type="checkbox"/> PC NUMBER / SUBSECTION			
D. A. REFERRAL ELIGIBLE <input type="checkbox"/> YES <input type="checkbox"/> NO		CRISIS RESPONSE TEAM ACTIVATED <input type="checkbox"/> YES <input type="checkbox"/> NO		MUTUAL AID <input type="checkbox"/> YES <input type="checkbox"/> NO		PIO / AA NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	
DEATH AND CAUSE OF DEATH			ASSAULT / BATTERY		TYPE OF ASSAULT / BATTERY		
<input type="checkbox"/> N/A			<input type="checkbox"/> N/A		<input type="checkbox"/> N/A		
SERIOUS BODILY INJURY		INMATE INCARCERATED PERSON WEAPONS			FORCE USED		
<input type="checkbox"/> N/A		<input type="checkbox"/> N/A			<input type="checkbox"/> N/A		
ESCAPES							
<input type="checkbox"/> N/A							
CONTROLLED SUBSTANCE		WEIGHT / In Grams		EXTRACTION		EXCEPTIONAL ACTIVITY	
<input type="checkbox"/> N/A				<input type="checkbox"/> N/A		<input type="checkbox"/> N/A	

BRIEF DESCRIPTION OF INCIDENT (ONE OR TWO SENTENCES):

COMPLETE SYNOPSIS / SUMMARY ON CDCR 837-A1

NAME OF REPORTING STAFF (PRINT / TYPE)	TITLE	ID #	BADGE #
SIGNATURE OF REPORTING STAFF		PHONE EXT. INCIDENT SITE	DATE
NAME OF WARDEN / AOD (PRINT / SIGN)		TITLE	DATE

**CRIME / INCIDENT REPORT PART B1 -
INMATE INCARCERATED PERSON**

CDCR 837-B1 (Rev. 10/1507/24)

PAGE _____ Of _____

INSTITUTION:		FACILITY			INCIDENT LOG NUMBER			
INMATE INCARCERATED PERSON (ENTIRE SHEET)								
NAME: LAST		FIRST		MI	CDCR#	GEN	ETHNICITY	DOB
SECURITY LEVEL	CLASSIFICATION SCORE	CONTROL DATE TYPE	CONTROL DATE	DATE REC'D BY CDCR		DATE REC'D BY INST		
HOUSING	PARTICIPANT TYPE			MHSDS LEVEL OF CARE				
<input type="checkbox"/> N/A DESCRIPTION OF INJURIES:								
IS THERE SERIOUS BODILY INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO								
<input type="checkbox"/> N/A NAME / LOCATION OF HOSPITAL/ TREATMENT FACILITY					<input type="checkbox"/> N/A DEATH			
<input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> TREATED AND RELEASED <input type="checkbox"/> HOSPITALIZED					CAUSE OF DEATH		DECEASED DATE	
NAME: LAST		FIRST		MI	CDCR#	GEN	ETHNICITY	DOB
SECURITY LEVEL	CLASSIFICATION SCORE	CONTROL DATE TYPE	CONTROL DATE	DATE REC'D BY CDCR		DATE REC'D BY INST		
HOUSING	PARTICIPANT TYPE			MHSDS LEVEL OF CARE				
<input type="checkbox"/> N/A DESCRIPTION OF INJURIES:								
IS THERE SERIOUS BODILY INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO								
<input type="checkbox"/> N/A NAME / LOCATION OF HOSPITAL/ TREATMENT FACILITY					<input type="checkbox"/> N/A DEATH			
<input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> TREATED AND RELEASED <input type="checkbox"/> HOSPITALIZED					CAUSE OF DEATH		DECEASED DATE	
NAME: LAST		FIRST		MI	CDCR#	GEN	ETHNICITY	DOB
SECURITY LEVEL	CLASSIFICATION SCORE	CONTROL DATE TYPE	CONTROL DATE	DATE REC'D BY CDCR		DATE REC'D BY INST		
HOUSING	PARTICIPANT TYPE			MHSDS LEVEL OF CARE				
<input type="checkbox"/> N/A DESCRIPTION OF INJURIES:								
IS THERE SERIOUS BODILY INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO								
<input type="checkbox"/> N/A NAME / LOCATION OF HOSPITAL/ TREATMENT FACILITY					<input type="checkbox"/> N/A DEATH			
<input type="checkbox"/> REFUSED TREATMENT <input type="checkbox"/> TREATED AND RELEASED <input type="checkbox"/> HOSPITALIZED					CAUSE OF DEATH		DECEASED DATE	

CRIME / INCIDENT REPORT**PART C - STAFF REPORT**

CDCR 837-C (Rev. 10/4507/24)

PAGE _____ Of _____

INCIDENT LOG NUMBER

NAME: LAST		FIRST		MI	INCIDENT DATE	TIME OF INCIDENT
POST #	POST DESCRIPTION	YEARS OF SERVICE YRS. MO.	DATE OF REPORT		LOCATION OF INCIDENT	
RDO'S	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE <input type="checkbox"/> N/A	

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES INCARCERATED PERSONS (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input type="checkbox"/> Primary		
<input type="checkbox"/> Responder		
<input type="checkbox"/> Witness		
<input type="checkbox"/> Camera		
<input type="checkbox"/> Victim		
<input type="checkbox"/> Other:		

<input type="checkbox"/> N/A FORCE USED BY YOU – TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
<input type="checkbox"/> Physical	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
<input type="checkbox"/> Hand-Held Baton	<input type="checkbox"/> Mini 14			<input type="checkbox"/> 37 mm		<input type="checkbox"/> OC		
	<input type="checkbox"/> .38 Cal			<input type="checkbox"/> 40 mm		<input type="checkbox"/> CN		
<input type="checkbox"/> X-10 BRD w/o OC	<input type="checkbox"/> .40 Cal			<input type="checkbox"/> L8		<input type="checkbox"/> CS		
	<input type="checkbox"/> 9 mm			<input type="checkbox"/> 40 mm Multi				
<input type="checkbox"/> X-10 BRD w/ OC	<input type="checkbox"/> Shotgun			<input type="checkbox"/> HFWRs				

 Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	<input type="checkbox"/> N/A <input type="checkbox"/> Physical <input type="checkbox"/> Hand-Held Baton <input type="checkbox"/> Chemical Agent <input type="checkbox"/> X-10 <input type="checkbox"/> Less Lethal <input type="checkbox"/> Lethal <input type="checkbox"/> Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION			EVIDENCE DISPOSITION			BIO HAZARD	PPE
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> N/A			<input type="checkbox"/> N/A			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE		SCIF 3301/3067 COMPLETED		
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> N/A		<input type="checkbox"/> N/A	<input type="checkbox"/> BODILY <input type="checkbox"/> N/A <input type="checkbox"/> UNKNOWN <input type="checkbox"/> Other:		<input type="checkbox"/> YES <input type="checkbox"/> NO		

NARRATIVE:

 CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE # / ID #	DATE
NAME AND TITLE OF REVIEWER (PRINT/SIGNATURE)	DATE RECEIVED	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO	APPROVED <input type="checkbox"/> YES <input type="checkbox"/> NO

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

CDCR RECLASSIFICATION SCORE SHEET

CDCR 840 (Rev. 0607/2324)

4. DATE OF LAST SCORE SHEET

MO DAY YR 18

5. FORM IDENTIFICATION (ENTER X in a, b or c)

a) NEW b) CORRECTION c) DELETE DATE CORRECTED MO DAY YR

B. ANNUAL/ 6 MONTH REVIEW PERIOD DATES

1. REVIEW PERIOD BEGINNING DATE MO DAY YR 33 39
2. REVIEW PERIOD ENDING DATE MO DAY YR 40
3. (Enter X) Annual
4. Number of Full Review Periods

E. CORRECTION TO CDCR 840 SCORE SHEET (Prior to Rev. 07/02)

1. Use this section to correct a CDC 840 score sheet with a form revision date prior to 07/02. TOTAL CORRECTION = (+ OR -)

C. FAVORABLE BEHAVIOR SINCE LAST REVIEW

1. Continuous Minimum Custody x 4 = 46
2. No Serious Disciplinary x 2 = 48
3. Average or Above Performance in Work, School or Vocational Program x 2 = 50
4. TOTAL FAVORABLE POINTS =

D. UNFAVORABLE BEHAVIOR SINCE LAST REVIEW

SERIOUS DISCIPLINARIES Number of
1. Div. A-1/A-2 x 8 = 52
2. Battery or Attempted Battery on a Non-Incarcerated Person/Non-Prisoner x 8 = 58
3. Battery or Attempted Battery on an Incarcerated Person/Inmate x 4 = 60
4. Distribution of Drugs x 4 = 62
5. Possession of a Deadly Weapon x 16 = 64
6. Inciting a Disturbance x 4 = 66
7. Battery Causing Serious Bodily Injury x 16 = 68
8. TOTAL UNFAVORABLE POINTS = +

F. COMPUTATION OF SCORE

1. PRIOR PRELIMINARY SCORE (Preliminary Score from 839/New Preliminary Score from 840 or 841) = 73
2. Net Change in Score (D. 8 minus C. 4) = (+ or -) 76
3. PRELIMINARY SCORE SUBTOTAL (Not less than 0) =
4. Change in Term Points (T/P) (x 2) - Old T/P + New T/P = (+ or -) 79
5. NEW PRELIMINARY SCORE (Not less than 0) = 82

G. PLACEMENT

MANDATORY MINIMUM SCORE FACTOR CODES AND SCORES
CODE SCORE CODE SCORE
[1] Condemned 19 [4] Warrants "R" Suffix 19
[2] Life Without Possibility of Parole 19 [5] Violence Exclusion 19
[3] History of Escape 19 [6] Other Life Sentence 19
1. SCORE FACTOR CODE (Assess First Applicable Factor) 85
2. MANDATORY MINIMUM SCORE 86
3. PLACEMENT SCORE ENTER NEW PRELIMINARY SCORE OR MANDATORY MINIMUM SCORE WHICHEVER IS GREATER 88

H. SPECIAL CASE FACTORS

1. HOLDS, WARRANTS and DETAINERS (Enter A, P or *)
2. RESTRICTED CUSTODY SUFFIX (Enter R or *)
3. LEVEL IV DESIGN a. 180 Status (Y/N) b. Reason Code
4. US ARMED FORCES (Enter Y or N)
5. CURRENT INSTITUTION AND FACILITY
6. COUNTY OF LAST LEGAL RESIDENCE
7. CASEWORKER'S NAME FI

I. CLASSIFICATION STAFF REPRESENTATIVE

1. LAST NAME 115
2. DATE OF ACTION MO DAY YR 123
3. LEVEL IV DESIGN a) 180 Status (Enter Y or *) b) Reason Code
4. MINIMUM CUSTODY a) Eligibility (Enter E, L or P) b) Reason Code
5. DEVELOPMENTAL DISABILITY PROGRAM (DDP) CODE 139
6. DISABILITY PLACEMENT PROGRAM (DPP) CODE(S) a) (*) Primary (affects placement) b) (*) c) (*) d) (*)
7. ADMINISTRATIVE DETERMINANT CODE(S) a) (*) b) (*) c) (*) d) (*) e) (*)
8. MENTAL HEALTH LEVEL OF CARE (Enter C or E) CCCMS EOP
9. INSTITUTION APPROVED
10. REASON FOR ADMINISTRATIVE OR IRREGULAR PLACEMENT

A. IDENTIFYING INFORMATION

1. CDCR NUMBER 1
2. INCARCERATED PERSON'S/INMATE'S LAST NAME 7
3. DATE COMPLETED MO DAY YR 12

CDCR READMISSION SCORE SHEET

CDCR 841 (Rev. 05/07/2324)

4. DATE OF LAST SCORE SHEET

MO DAY YR 18

5. COUNTY OF LAST LEGAL RESIDENCE

24

6. FORM IDENTIFICATION (ENTER X in a, b or c)

a) NEW b) CORRECTION c) DELETE 27 28 29 35

B. READMISSION REVIEW PERIOD CALCULATION

1. DATE PAROLED 36
2. REVIEW PERIOD BEGINNING DATE 42
3. Total Review Periods Not Previously Addressed MONTHS DAYS YEARS
4. Number of 6 Month Review Periods
5. Partial Review Period (Less Than 6 Months) MONTHS DAYS

E. COMPUTATION OF SCORE

1. PRIOR PRELIMINARY SCORE = 75
2. Net Change in Score (D. 8 minus C. 4) = (+ or -) 78
3. PRELIMINARY SCORE SUBTOTAL (Not less than 0) =
4. Change in Term Points (T/P) (x 2) - Old T/P + New T/P = (+ or -) 81
5. NEW PRELIMINARY SCORE (Not less than 0) = 84

C. FAVORABLE BEHAVIOR SINCE LAST REVIEW

Number Of Review Periods
Apply points for each Review Period of 6 Months at full value
Apply points for Review Period less than 6 Months at half value
1. Continuous Minimum Custody x 4 = 48
2. No Serious Disciplinary x 2 = 50
3. Average or Above Performance in Work, School or Vocational Program x 2 = 52
4. TOTAL FAVORABLE POINTS = -

F. PLACEMENT

MANDATORY MINIMUM SCORE FACTOR CODES AND SCORES
CODE SCORE CODE SCORE
[1] Condemned 19 [4] Warrants "R" Suffix 19
[2] Life Without Possibility of Parole 19 [5] Violence Exclusion 19
[3] History of Escape 19 [6] Other Life Sentence 19
1. SCORE FACTOR CODE (Assess First Applicable Factor) 87
2. MANDATORY MINIMUM SCORE 88
3. PLACEMENT SCORE ENTER NEW PRELIMINARY SCORE OR MANDATORY MINIMUM SCORE WHICHEVER IS GREATER 90

D. UNFAVORABLE BEHAVIOR SINCE LAST REVIEW

SERIOUS DISCIPLINARIES Number of
1. Div. A-1/A-2 Dates: x 8 = 54
Div. B, C & D Dates: x 6 = 56
Div. E & F Dates: x 4 = 58
2. Battery or Attempted Battery on a Non-Incarcerated Person/Non-Prisoner Dates: x 8 = 60
3. Battery or Attempted Battery on an Incarcerated Person/Inmate Dates: x 4 = 62
4. Distribution of Drugs Dates: x 4 = 64
5. Possession of a Deadly Weapon Dates: x 16 = 66
6. Inciting a Disturbance Dates: x 4 = 68
7. Battery Causing Serious Bodily Injury Dates: x 16 = 70
8. TOTAL UNFAVORABLE POINTS = +

G. SPECIAL CASE FACTORS

1. HOLDS, WARRANTS and DETAINERS (Enter A or P)
2. RESTRICTED CUSTODY SUFFIX (Enter R) 95
Felony 93 USICE 94
3. LEVEL IV DESIGN a) 180 Status (Y/N) b) Reason Code 97
4. US ARMED FORCES (Enter Y or N)
5. CURRENT INSTITUTION AND FACILITY 98
6. RETURN STATUS (Enter RTC or WNT) 105
7. CASEWORKER'S NAME FI 108

H. CLASSIFICATION STAFF REPRESENTATIVE

1. LAST NAME 117
2. DATE OF ACTION MO DAY YR 125
3. LEVEL IV DESIGN a) 180 Status (Enter Y to apply) 131 b) Reason Code 132
4. MINIMUM CUSTODY a) Eligibility (Enter E, L or P) 134 b) Reason Code 135
5. DEVELOPMENTAL DISABILITY PROGRAM (DDP) CODE 141
6. DISABILITY PLACEMENT PROGRAM (DPP) CODE(S) a) Primary (affects placement) 144 b) 147 c) 150 d) 153
7. ADMINISTRATIVE DETERMINANT CODE(S) a) 156 b) 159 c) 162 d) 165 e) 168
8. MENTAL HEALTH LEVEL OF CARE (Enter C or E) CCCMS EOP 171
9. INSTITUTION APPROVED 172
10. REASON FOR ADMINISTRATIVE OR IRREGULAR PLACEMENT 179

A. IDENTIFYING INFORMATION

1. CDCR NUMBER 1
2. INCARCERATED PERSON'S/INMATE'S LAST NAME 7
3. DATE RECEIVED THIS INCARCERATION MO DAY YR 12

NOTICE OF RELEASE

TO:

FROM:

The below identified ~~inmate~~ incarcerated person/parole violator is scheduled for release to CDCR Parole or Post Release County Supervision (PRCS). This notification is provided pursuant to Penal Code Section:

- 3058.6
 3058.9
 3058.61
 3060.6 (see attached)
 290

If you have any questions regarding this notification or wish to make written comments regarding this release, please contact:

PAROLE ADMINISTRATOR/POST RELEASE COUNTY SUPERVISION OFFICER
ADDRESS
CITY
TELEPHONE NUMBER

Comments will be reviewed and if necessary, appropriate action will be taken. You shall be advised of any decision.

INMATE INCARCERATED/ PAROLEE SUPERVISED PERSON'S NAME		CDCR NUMBER	
DATE OF RELEASE <small>The date may change by 1-2 days pursuant to PC 3060.7</small>		DATE OF BIRTH	
STREET ADDRESS AND CITY (If the proposed residence is known)		TELEPHONE NUMBER (if known)	
PAROLE UNIT AND STREET ADDRESS INCLUDING CITY (IF RELEASING TO CDCR PAROLE)			
REGISTRATION REQUIREMENT: <input type="checkbox"/> PC 186.30 <input type="checkbox"/> PC 290 <input type="checkbox"/> H&S 11590 <input type="checkbox"/> PC 457.1		COUNTY OF COMMITMENT FOR VIOLENT OFFENSE	
CASE NUMBER & OFFENSE			
Height/PC 290	Weight/PC 290	Eye Color/PC 290	Hair Color/PC 290
COMMENTS			
NOTICE COMPLETED BY		TITLE	
DATE COMPLETED			
FACILITY / REGION		TELEPHONE NUMBER	

Notice of Visitor Warning/Termination/Suspension/Denial/Revocation
CDCR 887-B (Rev. 02/23/07/24)

NOTICE OF VISITOR
WARNING/TERMINATION/SUSPENSION/DENIAL/REVOCATION

TO: (Inmate's Incarcerated Person's Name)	CDCR NUMBER	INSTITUTION	UNIT
---	-------------	-------------	------

REGARDING: (Name of Visitor)

VISITING VIOLATION

ACTION TAKEN (Check the box(es) that apply):

<input type="checkbox"/> Verbal Warning _____ DATE	<input type="checkbox"/> Termination for the Day _____ DATE
<input type="checkbox"/> Written Warning _____ DATE	<input type="checkbox"/> Other: _____ DATE

DESCRIPTION OF VISITING VIOLATION INCIDENT:

REASON FOR ACTION TAKEN:

Action taken by _____ on _____
PRINT NAME OF OFFICIAL DATE

SIGNATURE OF OFFICIAL

FINAL ACTION TAKEN (If applicable):

<input type="checkbox"/> One (1) Month Suspension	<input type="checkbox"/> Six (6) Month Suspension
<input type="checkbox"/> Three (3) Month Suspension	<input type="checkbox"/> Twelve (12) Month Suspension
<input type="checkbox"/> Twenty-four (24) Month Suspension	

REASON FOR FINAL ACTION TAKEN:

SIGNATURE OF DIRECTOR / WARDEN / DESIGNEE

DATE

The Termination/Suspension/Denial will expire:

on (DATE) _____ after which time you may continue to visit, provided you adhere to all rules and regulations related to visiting within the facility.

on (DATE) _____ after which time you may write a letter to the Warden requesting to have your visiting privileges reinstated. You must also submit a CDCR Form 106, Visiting Questionnaire.

Visitors may appeal any action taken above by following the established appeal process outlined in the California Code of Regulations, Title 15, Division 3, Section 3179, Complaints Relating to Visiting.

NOTICE OF REQUEST FOR SEARCH
CDCR 888 (Rev. 07/24)

Page 1 of 1

INSTITUTION CONDUCTING THE SEARCH

VISITOR NAME	NAME OF INCARCERATED PERSON INMATE	CDCR #
--------------	---------------------------------------	--------

Institution staff has cause to suspect that you might be carrying some form of contraband. Consistent with the posted notice at the entrance of this facility, we request your voluntary submission to a clothed/unclothed search of your person and any minor(s) accompanying you. The search may include your personal possessions and your vehicle.

All visitors have the right to refuse the search and forego the visit for a day. All visitors have the right to stop the search at any time and forego the visit for the day. If a minor is to be subjected to a clothed/unclothed search, only the parent or legal guardian may authorize the search and must be present during the search. Absent positive proof of relationship, (e.g., birth certificate, court order, notarized authorization by parent or legal guardian), a search of a minor will not be conducted and the minor's visit will not be allowed. A separate CDCR Form 888 is required for each minor.

A clothed body search is conducted if the visitor does not clear metal detectors/scanners, then after a clothed body search if additional attempts to clear the metal detectors/scanner fail, an unclothed body search would be requested. An unclothed body search is a security procedure that involves visual inspection of a person's body and body cavities with all of their clothing removed and a thorough inspection of the person's clothing for the purpose of detecting contraband. This procedure shall be conducted with the visitor's consent and when there is a reasonable suspicion that the visitor may be carrying contraband and when no less intrusive means are available to conduct the search. This search shall be conducted in a private setting and by staff members of the same gender as the adult or minor visitor. Exceptions to the gender of the staff member conducting the search will only be allowed for those identifying as transgender, intersex, or non-binary. A second staff member, of the same gender as the staff member conducting the search, will serve as the witness to the search.

ADVANCED PERMISSION FOR THIS SEARCH (OFFICIAL ORDERING THE SEARCH) WAS SECURED FROM:

NAME	TITLE	DATE GRANTED
POSITION		TIME PERMISSION GRANTED

SPECIFIC REASON(S) FOR SEARCH AND COMMENTS

WATCH COMMANDER/VISITING LIEUTENANT SIGNATURE	DATE
---	------

GENDER IDENTIFICATION: <input type="checkbox"/> Male <input type="checkbox"/> Transgender <input type="checkbox"/> Female <input type="checkbox"/> Intersex <input type="checkbox"/> Non-Binary	GENDER SEARCH PREFERENCE (Only for those that identify as Transgender, Intersex, or Non-Binary) <input type="checkbox"/> Male <input type="checkbox"/> Female
---	---

<input type="checkbox"/> I VOLUNTARILY AGREE to be searched <input type="checkbox"/> Clothed <input type="checkbox"/> Unclothed	Signature of Visitor	Date
--	----------------------	------

<input type="checkbox"/> I VOLUNTARILY AUTHORIZE the search of minor <input type="checkbox"/> Clothed <input type="checkbox"/> Unclothed	Signature of Visitor (Parent or Legal Guardian)	Date
Name of Minor _____ Age _____	Relationship to Minor _____	

<input type="checkbox"/> I REFUSE to be searched. I understand by refusing to be searched, I will be foregoing my visit today.	Signature of Visitor	Date
--	----------------------	------

<input type="checkbox"/> I REFUSE TO AUTHORIZE the search of minor. I understand by refusing the search, the minor will be foregoing the visit today.	Signature of Visitor (Parent or Legal Guardian)	Date
Name of Minor _____ Age _____	Relationship to Minor _____	

Staff Member Conducting Search	NAME	POSITION
Staff Member Witnessing Search	NAME	POSITION

SEARCH RESULTS: **POSITIVE** **NEGATIVE**

DESCRIPTION OF CONTRABAND

VISITOR IS: **PERMITTED** to visit incarcerated person inmate. **NOT PERMITTED** to visit incarcerated person inmate.

NAME (Staff Completing Form)	TITLE	DATE
------------------------------	-------	------

DISTRIBUTION: Original: C-File (Visiting) **Copies:** Institution Head, ISU, Visitor

NOTICE OF TRANSFER TO CALIFORNIA MEDICAL FACILITY
FOR MENTAL HEALTH TREATMENT

Inmate's Incarcerated Person's Name: _____ Today's Date: _____

CDCR Number: _____

County of Commitment: _____

You have been transferred to the California Medical Facility to receive mental health treatment. You have a right to the following (CCR 3379)

- A. A hearing to be held at CMF, normally within seven days after your arrival to determine whether your transfer was necessary. (CCR 3379)
- B. Before the hearing your caseworker will help you to prepare for the hearing and will be with you at the hearing. This assistance may include gathering all requested and available documents related to your transfer.
- C. The hearing will be conducted by the classification committee, of which one member shall be an "independent decisionmaker" a psychiatrist retained or employed by the Department of Corrections and Rehabilitation. The independent decisionmaker will not be the doctor who recommended your transfer or your treating psychiatrist at CMF. (CCR 3379)
- D. At the hearing, the information which caused your physician to order the transfer will be provided to you. You will be heard in person and can present documentary evidence on your behalf. If the chairperson at the hearing feels that a decision cannot be made without additional information, the hearing may be continued. If it is continued, you will be given the reasons in writing. (CCR 3379)
- E. At the hearing, you may present either oral or written testimony of witnesses chosen by you. If any of your witnesses are not allowed to appear for good cause, you will be given the reasons in writing. (CCR 3379)
- F. After the hearing, the independent decisionmaker will inform you in writing of the decision and the reasons for the decision. (CCR 3379)
- G. If you disagree with the findings you may appeal the decision to the Director of Corrections and Rehabilitation for investigation to determine whether the evidence supporting the decision was sufficient. If you decide to appeal, it must be filed within 30 calendar days of the hearing. You will be provided with a ruling within 20 working days after the filing of your appeal. (CCR 3379)

I have explained this form and the above state rights to _____.

(Inmate's Incarcerated person's Name)

Dated: _____

Signed: _____

INMATE ACKNOWLEDGEMENT OF NOTICE AND RIGHTS

I have read this form and understood my rights.

Dated: _____

Signed: _____

I hereby agree to my placement at the California Medical Facility and waive the above stated rights.

Dated: _____

Signed: _____

Distribution:

- Hospital Chart
- Medical Record
- Unit File

DISCIPLINARY ACTION LOG

LOG NUMBER:	CCR SECTION #:	DIV:	CLASSIFIED BY:	MHSDS CCCMS EOP MHCB DMH	INVESTIGATIVE EMPLOYEE: Y / N	HEARING OFFICER/SENIOR HEARING OFFICER:	OFFENDER/INCARCERATED PERSON ETHNICITY: <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> H <input type="checkbox"/> O	HEARING DATE:
INCARCERATED PERSON'S NAME:	SPECIFIC ACT:		CDCR 804 TO RECORDS:		STAFF ASSISTANT: Y / N	FINDING/DISPOSITION:	VIOLENCE RELATED TO: <input type="checkbox"/> RACE <input type="checkbox"/> GANG / DISRUPTIVE GROUP	CAPTAIN REVIEW DATE:
CDCR NUMBER:			INITIAL COPY TO INCARCERATED PERSON INMATE :	DDP 1 2 3	DATE MH REVIEW REQUESTED:		VIOLENCE OCCURRED: <input type="checkbox"/> IN-CELL <input type="checkbox"/> DORM <input type="checkbox"/> YARD <input type="checkbox"/> OTHER	CDO REVIEW DATE:
CDCR 115 DATE:	REPORTING EMPLOYEE:		FORCE USED: Y / N <input type="checkbox"/> OC <input type="checkbox"/> PHY <input type="checkbox"/> MEB <input type="checkbox"/> OTH:	DPP V H S	D.A. REFERRAL: Y / N		REFUSAL TO HOUSE: <input type="checkbox"/> RACE <input type="checkbox"/> GANG <input type="checkbox"/> OTHER	INMATE INCARCERATED PERSON FINAL COPY DATE:
INCIDENT REPORT #:	LOCATION:	WATCH	DATE LAB RESULTS RECEIVED:	T. A. B. E.	D.A. ACCEPTED / REJECTED: DATE:	IN CELL ASSAULT REVIEW REQUIRED: Y / N DATE COMPLETED:	DISRUPTIVE GROUP/GANG AFFILIATION:	RECORDS/REGISTER:
LOG NUMBER:	CCR SECTION #:	DIV:	CLASSIFIED BY:	MHSDS CCCMS EOP MHCB DMH	INVESTIGATIVE EMPLOYEE: Y / N	HEARING OFFICER/SENIOR HEARING OFFICER:	OFFENDER/INCARCERATED PERSON ETHNICITY: <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> H <input type="checkbox"/> O	HEARING DATE:
INMATE INCARCERATED PERSON'S NAME:	SPECIFIC ACT:		CDCR 804 TO RECORDS:		STAFF ASSISTANT: Y / N	FINDING/DISPOSITION:	VIOLENCE RELATED TO: <input type="checkbox"/> RACE <input type="checkbox"/> GANG / DISRUPTIVE GROUP	CAPTAIN REVIEW DATE:
CDCR NUMBER:			INITIAL COPY TO INCARCERATED PERSON INMATE :	DDP 1 2 3	DATE MH REVIEW REQUESTED:		VIOLENCE OCCURRED: <input type="checkbox"/> IN-CELL <input type="checkbox"/> DORM <input type="checkbox"/> YARD <input type="checkbox"/> OTHER	CDO REVIEW DATE:
CDCR 115 DATE:	REPORTING EMPLOYEE:		FORCE USED: Y / N <input type="checkbox"/> OC <input type="checkbox"/> PHY <input type="checkbox"/> MEB <input type="checkbox"/> OTH:	DPP V H S	D.A. REFERRAL: Y / N		REFUSAL TO HOUSE: <input type="checkbox"/> RACE <input type="checkbox"/> GANG <input type="checkbox"/> OTHER	INMATE INCARCERATED PERSON FINAL COPY DATE:
INCIDENT REPORT #:	LOCATION:	WATCH	DATE LAB RESULTS RECEIVED:	T. A. B. E.	D.A. ACCEPTED / REJECTED: DATE:	IN CELL ASSAULT REVIEW REQUIRED: Y / N DATE COMPLETED:	DISRUPTIVE GROUP/GANG AFFILIATION:	RECORDS/REGISTER:
LOG NUMBER:	CCR SECTION #:	DIV:	CLASSIFIED BY:	MHSDS CCCMS EOP MHCB DMH	INVESTIGATIVE EMPLOYEE: Y / N	HEARING OFFICER/SENIOR HEARING OFFICER:	OFFENDER/INCARCERATED PERSON ETHNICITY: <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> H <input type="checkbox"/> O	HEARING DATE:
INMATE INCARCERATED PERSON'S NAME:	SPECIFIC ACT:		CDCR 804 TO RECORDS:		STAFF ASSISTANT: Y / N	FINDING/DISPOSITION:	VIOLENCE RELATED TO: <input type="checkbox"/> RACE <input type="checkbox"/> GANG / DISRUPTIVE GROUP	CAPTAIN REVIEW DATE:
CDCR NUMBER:			INITIAL COPY TO INCARCERATED PERSON INMATE :	DDP 1 2 3	DATE MH REVIEW REQUESTED:		VIOLENCE OCCURRED: <input type="checkbox"/> IN-CELL <input type="checkbox"/> DORM <input type="checkbox"/> YARD <input type="checkbox"/> OTHER	CDO REVIEW DATE:
CDCR 115 DATE:	REPORTING EMPLOYEE:		FORCE USED: Y / N <input type="checkbox"/> OC <input type="checkbox"/> PHY <input type="checkbox"/> MEB <input type="checkbox"/> OTH:	DPP V H S	D.A. REFERRAL: Y / N		REFUSAL TO HOUSE: <input type="checkbox"/> RACE <input type="checkbox"/> GANG <input type="checkbox"/> OTHER	INMATE INCARCERATED PERSON FINAL COPY DATE:
INCIDENT REPORT #:	LOCATION:	WATCH	DATE LAB RESULTS RECEIVED:	T. A. B. E.	D.A. ACCEPTED / REJECTED: DATE:	IN CELL ASSAULT REVIEW REQUIRED: Y / N DATE COMPLETED:	DISRUPTIVE GROUP/GANG AFFILIATION:	RECORDS/REGISTER:
LOG NUMBER:	CCR SECTION #:	DIV:	CLASSIFIED BY:	MHSDS CCCMS EOP MHCB DMH	INVESTIGATIVE EMPLOYEE: Y / N	HEARING OFFICER/SENIOR HEARING OFFICER:	OFFENDER/INCARCERATED PERSON ETHNICITY: <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> H <input type="checkbox"/> O	HEARING DATE:
INMATE INCARCERATED PERSON'S NAME:	SPECIFIC ACT:		CDCR 804 TO RECORDS:		STAFF ASSISTANT: Y / N	FINDING/DISPOSITION:	VIOLENCE RELATED TO: <input type="checkbox"/> RACE <input type="checkbox"/> GANG / DISRUPTIVE GROUP	CAPTAIN REVIEW DATE:
CDCR NUMBER:			INITIAL COPY TO INCARCERATED PERSON INMATE :	DDP 1 2 3	DATE MH REVIEW REQUESTED:		VIOLENCE OCCURRED: <input type="checkbox"/> IN-CELL <input type="checkbox"/> DORM <input type="checkbox"/> YARD <input type="checkbox"/> OTHER	CDO REVIEW DATE:
CDCR 115 DATE:	REPORTING EMPLOYEE:		FORCE USED: Y / N <input type="checkbox"/> OC <input type="checkbox"/> PHY <input type="checkbox"/> MEB <input type="checkbox"/> OTH:	DPP V H S	D.A. REFERRAL: Y / N		REFUSAL TO HOUSE: <input type="checkbox"/> RACE <input type="checkbox"/> GANG <input type="checkbox"/> OTHER	INMATE INCARCERATED PERSON FINAL COPY DATE:
INCIDENT REPORT #:	LOCATION:	WATCH	DATE LAB RESULTS RECEIVED:	T. A. B. E.	D.A. ACCEPTED / REJECTED: DATE:	IN CELL ASSAULT REVIEW REQUIRED: Y / N DATE COMPLETED:	DISRUPTIVE GROUP/GANG AFFILIATION:	RECORDS/REGISTER:

INSTITUTION:	UNIT/FACILITY:	MONTH/YEAR:	REVIEWED BY:	DATE REVIEWED:
---------------------	-----------------------	--------------------	---------------------	-----------------------

Pursuant to the provisions of Health and Safety Code § 11561 and 11563, when the Board of Parole Hearings (BPH) concludes there are reasonable grounds for believing that a person on parole is addicted or habituated to, or is in imminent danger of addiction or habituation to, controlled substances or alcohol, it may, in accordance with procedures used to revoke parole, issue an order to detain or place the person in a substance abuse treatment program for a period not to exceed 90 days.

No person on parole shall be placed in a residential substance abuse treatment program against his or her will. Such placement shall require a hearing to be conducted by the BPH, unless the hearing is waived by the parolee/supervised person.

WAIVER OF HEARING RIGHT: Participation in Live-in Program as a Special Condition of Parole [Title 15, CCR§2641(a)]

You have a right to a hearing before the State can require you to be in a live-in program. If you sign this form you are waiving your right to a hearing and agree to successfully complete the program.

You may waive your right to a revocation hearing and accept the above instructions. Or you may decide not to waive your right to a revocation hearing.

I waive my right to a Board of Parole Hearings revocation hearing. I will complete the approved California Department of Corrections and Rehabilitation residential treatment program listed below. I know I will have a special condition of parole that requires me to do so.

TREATMENT PROGRAM NAME	PROGRAM ADDRESS	PROGRAM PHONE NO.

The program may include all or one of the following, a live-in, which may be “in-custody,” educational based drug treatment phase, immediately followed by a residential aftercare treatment phase, and/or an outpatient treatment phase to include mandatory attendance at AA/NA.

- In-Custody treatment phase: Start Date: End Date:
- In-Community treatment phase: Start Date: End Date:
- After-care treatment phase: Start Date: End Date:
- Outpatient treatment phase: Start Date: End Date:
- Projected completion date of substance abuse treatment program:

OR

- I request Revocation Proceedings be started.
- I request a Placement Hearing be started.

<u>INMATE/PAROLEE/INCARCERATED/ SUPERVISED PERSON OR ATTORNEY:</u> (PRINT NAME)	<u>INMATE/PAROLEE/INCARCERATED/SUPERVISED PERSON OR ATTORNEY SIGNATURE</u>	CDCR NUMBER	REGION	DATE SIGNED
STAFF (WITNESS): (PRINT NAME)	STAFF SIGNATURE	TITLE	BADGE NUMBER	DATE SIGNED

TO BE COMPLETED BY STAFF: I have informed the parolee/supervised person of the above information, and believe that he/she:

- Appears to understand
- Appears to have difficulty understanding

EFFECTIVE COMMUNICATION METHOD USED (simple English, interpreter, etc.):

Comments:

STAFF NAME (PRINT)	STAFF SIGNATURE	TITLE	BADGE NUMBER	DATE SIGNED
---------------------------	------------------------	--------------	---------------------	--------------------

PAROLE VIOLATION DECISION MAKING INSTRUMENT

CDCR 1500 (Rev. 05/13 07/24)

PVDTs Case: _____		Subject to 3000.1 <input type="radio"/> Y <input type="radio"/> N	
A	CDCR Number	Offender Name (LAST, FIRST, MI)	Parole Unit
Age	DOB	Sex <input type="radio"/> M <input type="radio"/> F	Race
		Height	Weight
		Eyes	Hair
Last Known Address		Residential Pattern	
Controlling Discharge Date		Code	Discharge Review Date
Arrest Date		Booking Number	Booking Location
Name Booked As		Arresting Agency	
Arrest Code	ARREST CODES: A DAPO Staff Alone B Law Enforcement Agency Alone AB DAPO Assisted by Law Enforcement Agency D Law Enforcement Agency With Information From DAPO		<input type="checkbox"/> Imminent Discharge
Reason For Retaining Parole Hold: <u>Parolee Supervised Person</u> Danger To:		Parolee/Release Copy Provided (Date)	Mailed or Delivered By
<input type="checkbox"/> Abscond <input type="checkbox"/> Property-Others <input type="checkbox"/> Safety-Others		Date Copy Provided to Supervised/Released Person	
Commitment Offense(s):			
Offense Code	Offense Description		Controlling Offense
DEC System Checked <input type="radio"/> Yes <input type="radio"/> No			
Disability/Effective Communication Information:			
B	CSRA Risk Level: <input type="radio"/> Low (1) <input type="radio"/> Moderate (2) <input type="radio"/> High - Drug (3) <input type="radio"/> High - Property (4) <input type="radio"/> High - Violent (5)		
	Is the <u>Parolee Supervised Person</u> a Sex Offender (as defined by PC 290)? <input type="radio"/> Yes <input type="radio"/> No If yes, indicate STATIC-99 Risk Category: <input type="radio"/> Low (Score of 3 or less) <input type="radio"/> High (Score of 4 or more)		
	Supervised Using GPS <input type="radio"/> Yes <input type="radio"/> No	Classification <input type="text"/>	GPS used to affect arrest <input type="radio"/> Yes <input type="radio"/> No
	GPS used to investigate violation <input type="radio"/> Yes <input type="radio"/> No		
C	Violation(s):		
D	Circumstances of Charge(s):		
D1	Parolee Supervised Person/Witness Statement		
D2	Court Status		

PAROLE VIOLATION DECISION MAKING INSTRUMENT

CDCR 1500 (Rev. 05/13 07/24)

CDCR Number	Offender Name (LAST, FIRST, MI)	Parole Unit	Date of Discovery
-------------	---------------------------------	-------------	-------------------

E

Violation Severity Score: 0

F Instrument Recommended Response Level:

Least Intensive
 Moderately Intensive
 Most Intensive A
 Most Intensive A or B
 Most Intensive C

G **Recommended Responses:** Check the box in the assigned response level that will most effectively address the violation behavior. Some exceptional circumstances may warrant selection of more than one response. If options within the assigned response level are not appropriate, proceed to the optional "Override" Section I of this form.

Response Level 1: Least Intensive - Select Desired Sanction(s)

<input type="checkbox"/> Verbal Reprimand (1a)	<input type="checkbox"/> Behavioral Contract (1g)	<input type="checkbox"/> Proposition 36 Program (1m)
<input type="checkbox"/> Encourage Offender to Obtain and Maintain Full Time Employment; Refer to Employment Agencies/Programs (1b)	<input type="checkbox"/> Referral to PACT Program (1h)	<input type="checkbox"/> Imposition of EID (1n)
<input type="checkbox"/> Increase Reporting Requirements (1c)	<input type="checkbox"/> Referral to Parole Agent Sponsored Program (e.g. Life Skills Women's Group) (1i)	<input type="checkbox"/> Referral to other Program (Long-Term Use of Remedial Sanctions) (1o)
<input type="checkbox"/> Written Travel Restriction (1d)	<input type="checkbox"/> Referral to Community Based Substance Abuse Treatment Program (1j)	<input type="checkbox"/> Restart Program (1p)
<input type="checkbox"/> Imposition of Curfew (1e)	<input type="checkbox"/> Referral to Community Based Support Group: AA/NA (1k)	<input type="checkbox"/> Defer to Local Adjudication (1q)
<input type="checkbox"/> Imposition of any other Condition with a Nexus to the Violation or Offense (1f)	<input type="checkbox"/> Referral to Certified Community Based Outpatient Counseling/Treatment Services (1l)	

Response Level 2: Moderately Intensive - Select Desired Sanction(s)

<input type="checkbox"/> Referral to Psychological Assessment/Evaluation (2a)	<input type="checkbox"/> Referral to Domestic Violence Program (2i)	<input type="checkbox"/> Referral to Community-Based Coalition (CBC) (2p)
<input type="checkbox"/> Community Service Hours (2b)	<input type="checkbox"/> Referral to Day Reporting Center (DRC) (2j)	<input type="checkbox"/> Referral to Female Residential Service Center (FRMSC) (2q)
<input type="checkbox"/> Program Restrictions - Specific Limitations (2c)	<input type="checkbox"/> Referral to Structured Residential or Outpatient Drug Treatment Program (2k)	<input type="checkbox"/> Referral to Residential Multi-Service Center (RMSC) (2r)
<input type="checkbox"/> Geographic Restrictions - Specific Limitations (2d)	<input type="checkbox"/> Increase Number of Substance Abuse Support Group Meetings Attendance (2l)	<input type="checkbox"/> Increase Length of Treatment/Cognitive Program (2s)
<input type="checkbox"/> Increase UA Testing (2e)	<input type="checkbox"/> Referral to Other Programs (Long-Term Use of Remedial Sanctions) (2m)	<input type="checkbox"/> Increase Supervision Level (2t)
<input type="checkbox"/> Daily Reporting with Option of UA Testing (2f)	<input type="checkbox"/> Mandate Participation and Completion of a Structured Residential or Outpatient Substance Abuse Treatment Program (2n)	<input type="checkbox"/> Referral to Community-Based In-Custody Drug Treatment Program (ICDTP) (2u)
<input type="checkbox"/> Establish No-Contact Orders (2g)	<input type="checkbox"/> Referral to Parolee Parole Service Center (PSC) (2o)	<input type="checkbox"/> Re-entry Court (2v)
<input type="checkbox"/> Imposition of Curfew or Increased Curfew Enhancement (2h)		

PAROLE VIOLATION DECISION MAKING INSTRUMENT

CDCR 1500 (Rev. ~~05/13~~ 07/24)

CDCR Number	Offender Name (LAST, FIRST, MI)	Parole Unit	Date of Discovery
-------------	---------------------------------	-------------	-------------------

<p>Response Level 3: Most Intensive - <i>Select Desired Sanction(s)</i></p> <p>Most Intensive - A</p> <p><input type="checkbox"/> Placement into Mental Health Services (3a)</p> <p><input type="checkbox"/> Placement into Intensive Licensed/Certified Residential or Outpatient Drug Treatment Program (3b)</p>	<p>Response Level 4: Most Intensive C</p> <p><input type="checkbox"/> Recommend for Revocation (4a)</p>
--	--

<p>Most Intensive - B</p> <p><input type="checkbox"/> Recommend for Revocation (3e)</p>	<p>Recommended Revocation Days _____</p>
--	--

H Agent's Recommended Response Level:

Least Intensive
 Moderately Intensive
 Most Intensive A
 Most Intensive B
 Most Intensive C

Agent's Response (Please be specific when indicating response; e.g. identify the program the offender is required to attend):

Comments:

Badge # <input type="text"/>	Name	Date
User ID <input type="text"/>	Password <input type="text"/>	Lock

PAROLE VIOLATION DECISION MAKING INSTRUMENT

CDCR 1500 (Rev. ~~05/13~~ 07/24)

CDCR Number	Offender Name (LAST, FIRST, MI)	Parole Unit	Date of Discovery
-------------	---------------------------------	-------------	-------------------

I Unit Supervisor's Determination

Case Conference Date:

Between (Agent) and (Supervisor)

Instrument Recommendation: Least Intensive Moderately Intensive Most Intensive A Most Intensive A or B Most Intensive C

Parole Agent Recommendation: Least Intensive Moderately Intensive Most Intensive A Most Intensive B Most Intensive C

Concur with Agent's Response : YES NO Recommended Revocation Days

Unit Supervisor's Response Level: Least Intensive Moderately Intensive Most Intensive A Most Intensive B Most Intensive C

Unit Supervisor's Action: Decision Review Release Hold as of Date:

Retain Hold Cancel Warrants Discharge Effective Date:

Continue on Parole Retain on Parole Reinstate on Parole as of Date:

Time Loss: Yes No Refer for Revocation Investigate and Submit Appropriate Report by (Date):

Special Conditions of Parole: Add SCP
 Delete SCP

Unit Supervisor's Response (please be specific when indicating response: e.g; Identify the program the offender is required to attend):

PVDTS Case ID: Refer to Parole Administrator

Badge # Name Date

User ID Password Lock

PAROLE VIOLATION DECISION MAKING INSTRUMENT

CDCR 1500 (Rev. 05/13 07/24)

CDCR Number	Offender Name (LAST, FIRST, MI)	Parole Unit	Date of Discovery
-------------	---------------------------------	-------------	-------------------

J	Parole Administrator's Determination
----------	---

<input type="radio"/> Agree	<input type="radio"/> DOP	<input type="radio"/> Least Intensive	<input type="radio"/> Moderately Intensive	<input type="radio"/> Most Intensive A	<input type="radio"/> Most Intensive B	<input type="radio"/> Most Intensive C
-----------------------------	---------------------------	---------------------------------------	--	--	--	--

Parole Administrator's Response:

<input type="checkbox"/> Refer for Revocation	Discharge Effective Date: <input type="text"/>
---	--

Badge # <input type="text"/>	Name <input type="text"/>	Date <input type="text"/>
------------------------------	---------------------------	---------------------------

User ID <input type="text"/>	Password <input type="text"/>	Lock
------------------------------	-------------------------------	------

CHECK BOX

SUPPLEMENTAL TO: _____
 ACTIVITY REPORT CASE REVIEW CIVIL ADDICT Suspend/Reinstate
 DISCHARGE REVIEW - FELON/NON-FELON

CDCR NUMBER	NAME	SUPERVISION CATEGORY	REGION	PAROLE UNIT
COMMITMENT OFFENSE		IS COMMITMENT OFFENSE SUBJECT TO 667.5 (C) P.C. (WHETHER OR NOT COMMITMENT WAS ENHANCED)?		<input type="checkbox"/> YES <input type="checkbox"/> NO
* DISCHARGE REVIEW DATE		* CONTROLLING DISCHARGE DATE		IMMINENT DISCHARGE <input type="checkbox"/>

IF ARRESTED, COMPLETE THE FOLLOWING ARREST DATA

ARREST DATE	HOLD DATE	HOLD REMOVED DATE	ARRESTING AGENCY	BOOKING NUMBER AND / OR LOCATION
LOCAL NUMBER	REPORT NUMBER	NAME BOOKED AS		

PAROLE AGENT'S RECOMMENDATION:

PAROLE AGENT'S RECOMMENDATION:	<input type="checkbox"/> CONTINUED ON SECOND PAGE
	PAROLE AGENT'S SIGNATURE
	BADGE # _____ DATE SIGNED _____

UNIT SUPERVISOR'S ACTION:

DECISION REVIEW RETAIN HOLD RELEASE HOLD AS OF (DATE): _____ CANCEL WARRANTS - WANTS

CONTINUE ON PAROLE CONTINUE IN OUT PATIENT STATUS * DISCHARGE EFFECTIVE (DATE): _____ RETAIN ON PAROLE

REINSTATE ON PAROLE AS OF (DATE): _____ TIME LOSS SUSPEND / REINSTATE IN OPS / CAP AS OF (DATE): _____ REFER TO BPH INVESTIGATE, SUBMIT APPROPRIATE REPORT BY (DATE): _____

SPECIAL CONDITION(S): _____ ADD
 DELETE

UNIT SUPERVISOR'S COMMENTS / RECOMMENDATION:

<input type="checkbox"/> REFER TO DISTRICT ADMINISTRATOR	UNIT SUPERVISOR'S SIGNATURE	BADGE #	DATE SIGNED
--	-----------------------------	---------	-------------

DISTRICT ADMINISTRATOR'S COMMENTS / DECISION:

<input type="checkbox"/> REFER TO BPH	<input type="checkbox"/> * DISCHARGE EFFECTIVE (DATE): _____	DISTRICT ADMINISTRATOR'S SIGNATURE	BADGE #	DATE SIGNED
---------------------------------------	--	------------------------------------	---------	-------------

PAROLEE SUPERVISED PERSON / RELEASEE COPY PROVIDED (DATE):

MAILED DELIVERED BY: _____



FID000035B

ACTIVITY REPORT

(CONTINUED) CDCR 1502

(Rev. ~~10/06~~07/24)**INSTRUCTIONS FOR COMPLETING CDCR 1502, ACTIVITY REPORT**

ACTIVITY REPORT:

In the "Circumstances or Charges" section of the Activity Report, include narrative summary of the activity that needs documentation: Parole Agent instructions; case review; unsubstantiated allegations of parole violations; the addition or removal of a special condition of parole; reinstatement of a suspended ~~parolee~~parolee supervised person. Distribution: For reinstatement of a suspended ~~parolee~~parolee supervised person, send the original to Case Records and retain a copy for the field file. For other reports, send the original to the field file, a copy to the ~~parolee~~parolee supervised person, and a copy to POC if applicable.

DISCHARGE REVIEW - FELON:

In "Circumstances or Charges" summarize parole adjustment, including residence, employment, arrests, violations, etc., and special conditions. Parole Agent will recommend "Retain on Parole," "Discharge" or "Discharge and Cancel Want." Attach a CI&I report, BPH 1130 and Legal Status Sheet. Distribution: Original to Case Records, one copy to the field file, and one copy to the ~~parolee~~parolee supervised person.

DISCHARGE REVIEW - NON-FELON:

In "Circumstances or Charges" summarize parole adjustment, including residence, employment, violations, and date of last two negative weekly tests. Parole Agent will recommend "Discharge." Attach a current CI&I report. Distribution: Original to Case Records, one copy to the field file, and one copy to the ~~parolee~~parolee supervised person.

CIVIL ADDICT REPORT - SUSPEND / REINSTATE:

In "Circumstances or Charges" summarize parole adjustment, including residence and employment. Include reason(s) for report, present location, type of drug used, dates used, amount and frequency used. Parole Agent will recommend "Suspend / Reinstate," giving date of first clean test, or "Continue in Out Patient or Civil Addict Parole Status."

Distribution: Original to Case Records, one copy to the field file, and one copy to the releasee.

PVDTs #: _____

CDCR NUMBER	PAROLEE SUPERVISED PERSON'S NAME (LAST, FIRST, MI)			PAROLE UNIT	REGION	AGENT OF RECORD	
AGE	DATE OF BIRTH	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE	HEIGHT	WEIGHT	EYES	HAIR
LAST KNOWN ADDRESS			RESIDENTIAL PATTERN <input type="checkbox"/> STABLE <input type="checkbox"/> UNSTABLE <input type="checkbox"/> TRANSIENT		CONTROLLING DISCHARGE DATE		LIFE-TERM PAROLEE SUPERVISED PERSON PC 3000.1 <input type="checkbox"/> YES <input type="checkbox"/> NO
ARREST DATE	HOLD DATE	HOLD REMOVED DATE		COUNTY IDENTIFIER			
ARRESTING AGENCY	NAME BOOKED AS		BOOKING NUMBER		BOOKING LOCATION		
REASON FOR RETAINING PAROLE HOLD: <u>PAROLEE SUPERVISED PERSON DANGER TO:</u> <input type="checkbox"/> ABSCOND <input type="checkbox"/> PROPERTY OTHERS <input type="checkbox"/> SAFETY OTHERS							
COMMITMENT OFFENSE(S):							
OFFENSE CODE	OFFENSE DESCRIPTION			CONTROLLING OFFENSE			
DECS CHECKED? <input type="checkbox"/> YES DISABILITY/EFFECTIVE COMMUNICATION SYSTEM (DECS) NFORMATION:							
VIOLATION 1: CIRCUMSTANCES OF CHARGE:							
VIOLATION 2: CIRCUMSTANCES OF CHARGE:							
VIOLATION 3: CIRCUMSTANCES OF CHARGE:							

PVDTS #: _____

VIOLATION 4:
CIRCUMSTANCES OF CHARGE:

COURT STATUS:

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

PAROLE AGENT NAME	ELECTRONIC SIGNATURE	DATE

UNIT SUPERVISOR'S ACTION:

DECISION REVIEW RETAIN HOLD RELEASE HOLD (DATE): _____

CONTINUE ON PAROLE DISMISS CHARGES

DEFER - CRIMINAL CHARGES FILED DEFER - DISTRICT ATTORNEY PETITION FOR REVOCATION FILED

INVESTIGATE - SUBMIT APPROPRIATE REPORT BY (DATE): _____

SPECIAL CONDITIONS:

UNIT SUPERVISOR COMMENTS/RECOMMENDATION:

UNIT SUPERVISOR NAME	ELECTRONIC SIGNATURE	DATE

NOTICE AND CONDITIONS OF PAROLE

YOU ARE BEING RELEASED TO PAROLE SUPERVISION, EFFECTIVE: _____, 20____, FOR A MAXIMUM PERIOD OF: _____.

YOU ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RELEASE FROM PRISON:
 If you violate any of the conditions of your parole or violate any law, you may be subject to arrest and/or incarceration in a county jail or returned to state prison, pursuant to Penal Code (PC) Section 3000.1, or PC Section 3000, subdivision (b), paragraph (4), regardless of whether new charges are filed.
 You shall waive extradition to the State of California from any state or territory of the United States, or the District of Columbia. You shall not contest any effort to return you to the State of California.
 You, your residence, and any property under your control are subject to search or seizure by a probation officer, an agent or officer of the California Department of Corrections and Rehabilitation, or any other peace officer, at any time of the day or night, with or without a search warrant, with or without cause.
 If another jurisdiction has lodged a detainer against you, you may be released to the custody of that jurisdiction. Should you be released from their custody prior to the expiration of your California parole, or should the detainer not be exercised, you are to immediately contact the nearest office of the Department of Corrections and Rehabilitation, Division of Adult Parole Operations, for instructions on reporting to a parole agent.
 The procedure for obtaining a Certificate of Rehabilitation is documented in PC Sections 4852.01–4852.21.

CONDITIONS OF PAROLE

1. SPECIAL CONDITIONS: Special conditions of parole may be mandated by law or may be imposed at the discretion of your agent. Special conditions of parole that forbid conduct which is not itself criminal, must reasonably relate to a crime for which you were convicted, or must be reasonably related to deterring future criminality. **You are subject to the following special conditions of parole:**

Reasons for the imposition of special conditions of parole:

I ACKNOWLEDGE MY SPECIAL CONDITIONS OF PAROLE Inmate Incarcerated/ Parolee Supervised Person's Initials: _____	SIGNATURE OF UNIT SUPERVISOR	DATE SIGNED
--	-------------------------------------	--------------------

2. RELEASE, REPORTING, RESIDENCE AND TRAVEL: Unless other arrangements are approved in writing, you shall report to your parole agent on the first working day following your release. The name, address, and telephone number of the parole agent responsible for your parole supervision shall be documented on the CDCR Form 611 (Rev. 08/12), Release Program Study, which is incorporated by reference as part of this Notice. You shall inform your supervising parole agent of your residence, employment, education, and/or training. Any change or anticipated change to your residence shall be reported to your parole agent in advance. You shall inform your parole agent within 72 hours of any change to your employment location, employer, or termination of employment.

3. PAROLE AGENT INSTRUCTIONS AND TRAVEL: You shall comply with all of the instructions from your parole agent. You shall not travel more than 50 miles from your residence without the prior approval of your parole agent. You shall not be absent from your county of residence for a period of more than 48 hours. You shall not leave the State of California without prior written approval of your parole agent.

4. CRIMINAL CONDUCT: You shall not engage in conduct prohibited by law (state, federal, county, or municipal). You shall immediately inform your parole agent if you are arrested for any felony or misdemeanor crime. Be advised, your conduct, if prohibited by law, may result in parole revocation with or without a criminal conviction.

5. WEAPONS: You shall not own, use, have access to, or have under your control: (a) any type of firearm, instrument, or device which a reasonable person would believe to be capable of being used as a firearm, or any ammunition which could be used in a firearm; (b) any weapon as defined in state or federal statutes, or any instrument or device which a reasonable person would believe to be capable of being used as a weapon; (c) any knife with a blade longer than two inches, except kitchen knives which must be kept only in the kitchen of your residence, and knives related to your employment, which may be used and carried only in connection with your employment; or (d) a crossbow of any kind.

6. THIS DOCUMENT SERVES AS YOUR NOTICE AND CONDITIONS OF PAROLE. You have the right to appeal the special conditions of your parole. Special conditions imposed by the Division of Adult Parole Operations may be appealed pursuant to California Code of Regulations (CCR), Title 15, Sections 3084 - 3085.

I have read, or have had read to me, and I understand the conditions of parole as they apply to me.

CDCR NUMBER	INMATE <u>INCARCERATED/PAROLEE</u> <u>SUPERVISED PERSON'S NAME (PRINT OR TYPE)</u>	INMATE <u>INCARCERATED/PAROLEE</u> <u>SUPERVISED PERSON'S SIGNATURE</u>	DATE SIGNED
--------------------	---	--	--------------------

THIS SECTION TO BE COMPLETED BY CDCR STAFF ONLY

Does the ~~inmate~~incarcerated/paroleesupervised person have a qualifying disability requiring effective communication? YES NO If yes, cite the source document and/or observations:

What type of accommodation or assistance was provided to achieve effective communication to the best of the ~~inmate~~incarcerated/paroleesupervised person's ability?

STAFF NAME (PRINT OR TYPE)	STAFF SIGNATURE	DATE SIGNED
-----------------------------------	------------------------	--------------------

1. YOU ARE SCHEDULED TO BE RELEASED TO POSTRELEASE COMMUNITY SUPERVISION EFFECTIVE _____, 20_____. Pursuant to Penal Code section 3450, et. seq., you are subject to community supervision provided by a county agency for a period not exceeding three years. Release to county supervision is subject to the following notice and conditions. Should you violate conditions of this release or violate the law, you can be incarcerated in county jail regardless of whether or not new charges are filed.

YOU ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF POSTRELEASE COMMUNITY SUPERVISION (PRCS):

- a. You shall waive extradition to the State of California from any state or territory of the United States or from the District of Columbia. You shall not contest any effort to return you to the state of California.
- b. If the supervising agency determines, based upon psychiatric reasons, that you pose a danger to yourself or others, the court may, if necessary, order your placement in a community treatment facility for psychiatric treatment.
- c. You, your residence, and any other property under your control may be searched without a warrant day or night by an agent of the supervising county, any peace officer, or law enforcement officer. You shall be subject to arrest with or without a warrant by a peace officer employed by the county agency, at the direction of the supervising county agency, or by any peace officer when there is probable cause to believe there is a violation of the terms and conditions of county supervision.
- d. If another jurisdiction has lodged a detainer against you, you may be released to the custody of that jurisdiction. Should you be released from their custody prior to the expiration of your period of supervision, or should the detainer not be exercised, you are to immediately contact the Probation Department in your county of last legal residence for supervision instructions.
- e. You shall participate in rehabilitation programming as recommended by the supervising county agency.

The procedure for obtaining a Certificate of Rehabilitation is documented in PC 4852.01 - 4852.21.

CONDITIONS OF POSTRELEASE COMMUNITY SUPERVISION

2. **SPECIAL CONDITIONS:** *Special conditions of release must:* a) relate to the crime for which you were convicted; b) relate to criminal conduct; and, c) prohibit conduct which may be related to future criminality. **You are subject to the following special conditions:**

REASON(S) FOR THE IMPOSITION OF SPECIAL CONDITIONS OF POSTRELEASE COMMUNITY SUPERVISION:

<i>I acknowledge my special conditions of PRCS:</i>	STAFF NAME (PRINT OR TYPE)	STAFF SIGNATURE	DATE SIGNED
<input type="checkbox"/> Refused to initial INMATE/INCARCERATED PERSON'S INITIALS			

3. **RELEASE, REPORTING, RESIDENCE:** Unless other arrangements are approved in writing, you shall report to your supervising county agency within two working days following your release. The name, address, and telephone number of the county agency responsible for your Postrelease Community Supervision shall be documented on the CDCR Form 611, Release Program Study, which is incorporated by reference as part of this agreement. You will inform your supervising county agency of your residence, employment, education, or training. Any change or anticipated changes in residence, employment, education, or training shall be reported to your supervising county agency in advance. You shall inform the supervising county agency of new employment within 3 business days of the change in employment status.

4. **SUPERVISING COUNTY AGENCY INSTRUCTIONS AND TRAVEL:** You shall comply with all instruction of your supervising county agency representative. You shall not travel more than 50 miles from your residence without prior written approval of your supervising county. You shall not be absent from your county of residence for a period of more than 48 hours and not leave the State of California without prior written approval of your supervising county agency.

5. **CRIMINAL CONDUCT:** You shall not engage in conduct prohibited by law (state, federal, county or municipal). You shall immediately inform your supervising county agency if you are arrested for a felony or misdemeanor crime, or citation. Conduct prohibited by law may result in a revocation by a court for time to be served in county jail even though a criminal conviction does not occur.

6. **WEAPONS:** You shall not own, use, have access to, or have under your control: (a) any type of firearm or instrument or device which a reasonable person would believe to be capable of being used as a firearm or any ammunition which could be used in a firearm; (b) any weapon defined in state or federal statutes, or any instrument or device which a reasonable person would believe to be capable of being used as a weapon; (c) any knife with a blade longer than two inches except kitchen knives which must be kept only in the kitchen of the persons residence and knives related to your employment which may be used and carried only in connection with your employment, approved in a document issued by the supervising county, which requires that you possess the document of approval at all times and make it available for inspection; or (d) a crossbow of any kind. You shall not knowingly own or possess any dangerous or deadly weapons, nor remain in a building or vehicle where you know any person has such a weapon, nor remain in the presence of any person you know is unlawfully armed.

7. **FLASH INCARCERATION:** You may be subject to the imposition of a period of "flash incarceration" in a county jail of not more than 10 consecutive days for any violation of your Postrelease Community Supervision conditions.

8. **THIS DOCUMENT SERVES AS YOUR NOTICE AND CONDITIONS OF POSTRELEASE COMMUNITY SUPERVISION.** Per PC Section 3067(a), any incarcerated person ~~inmate~~ who is eligible for release on parole pursuant to this chapter or postrelease community supervision pursuant to Title 2.05 (commencing with section 3450) of Part 3 shall be given notice that he or she is subject to terms and conditions of his or her release from prison.

I have read, or have had read to me, and understand these conditions as they apply to me. ~~Inmate/Incarcerated person~~ refused to sign conditions

CDCR NUMBER	INMATE/INCARCERATED PERSON'S NAME (PRINT OR TYPE)	INMATE/INCARCERATED PERSON'S SIGNATURE	DATE SIGNED

THIS SECTION TO BE COMPLETED BY CDCR STAFF ONLY:

DOES THE ~~INMATE/INCARCERATED PERSON~~ HAVE A QUALIFYING DISABILITY REQUIRING EFFECTIVE COMMUNICATION? **YES** **NO**

IF YES, CITE THE SOURCE DOCUMENT AND /OR OBSERVATIONS:

WHAT TYPE OF ACCOMMODATION OR ASSISTANCE WAS PROVIDED TO ACHIEVE EFFECTIVE COMMUNICATION TO THE BEST OF THE ~~INMATE/INCARCERATED PERSON'S~~ ABILITY?:

STAFF NAME (PRINT OR TYPE)	STAFF SIGNATURE	DATE SIGNED

**ELECTRONIC IN-HOME DETENTION
SPECIAL REQUIREMENT**

You are ordered to participate in the Electronic In-Home Detention (EID) program and comply with all curfew restrictions as a special requirement for your placement.

While you are participating in an EID program, you shall remain inside your residence or inside the program facility premises during your hours of curfew from _____ and _____.

As a participant in an EID program, you are ordered to comply with equipment maintenance requirements and equipment care instructions associated with Electronic Monitoring (EM) equipment in accordance with the instructions of your Parole Agent. You may be criminally charged with grand or petty theft and fined for the cost of the equipment replacement in the event the equipment is not returned, is lost, stolen, and/or there is willful damage.

REASON FOR IMPOSING EID SPECIAL REQUIREMENTS

The California Penal Code Section 3010.10 states that, notwithstanding any other provisions of law, the Department of Corrections and Rehabilitation may utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on parole, as provided by this article. Electronic In-Home Detention shall include the use of electronic monitoring, Global Positioning System Devices, or other supervising devices for the purpose of helping to verify a participant's compliance with the rules and regulations of the program. I understand and acknowledge the data is retained indefinitely and may be shared with other law enforcement agencies.

ELECTRONIC MONITORING EQUIPMENT			PARTICIPANT'S INITIALS
1. You shall not unplug the EM device from the power supply and/or phone line, nor move the monitoring equipment without prior approval from a parole agent.			
2. You shall not expose the EM device to extreme temperatures or submerge (place under water); (e.g., swimming pool, hot tub, bathtub, etc.)			
3. You shall charge the EM device two times per day, once every 12 hours, for at least 1 full hour per charging occurrence.			
4. You shall not tamper with the EM device by pulling on the strap, trying to open the device, pressing the button on the device, or covering the device with any foreign material.			
CDCR NO.	<u>NAME OF PAROLEE SUPERVISED PERSON</u> (PRINT LAST, FIRST, MI)	<u>SIGNATURE OF PAROLEE SUPERVISED PERSON</u>	DATE

STAFF ISSUANCE/OBSERVATION

I have reviewed the Disability and Effective Communication System (DECS), the parole field file (DAPO staff), and SOMS/ERMS, for Disability and Effective Communication source documents.

I have informed this Parolee supervised person of this notice and have determined that they:

Appear to understand Appear to have difficulty understanding

Effective communication method used (check all applicable): Foreign Language Interpreter Sign Language Interpreter

Read/Spoke Slowly Assistive Device: _____ Other (specify): _____

After providing assistance, Parolee Supervised Person

Participant: **Does not appear to understand.**

Explained the EM requirements in their own

words. Comments: _____

STAFF NAME AND TITLE (PRINT)	STAFF SIGNATURE	BADGE/I.D. NUMBER	DATE SIGNED
UNIT SUPERVISOR SIGNATURE			DATE

REENTRY COURT PROGRAM – SPECIAL CONDITIONS OF PAROLE

You are being referred to a Reentry Court Program (RCP) for program consideration to address your substance abuse and/or mental illness related issue(s). If you are not admitted into the program, your parole agent will identify a different program for you to attend.

If you are let into the program, the court can place conditions of parole on you, order treatment, choose incentives, order penalties, remove parole holds, and settle any alleged violations. If the court takes you out of the program, you will return to normal parole.

When you are in the RCP program, you have to comply with the program rules of the County and the rules of your parole agent.

REENTRY COURT PROGRAM	INITIAL
1. You shall participate in programs picked by the court.	
2. You must go to all meetings scheduled by the court.	
3. You will participate in anti-narcotic testing as directed by the Judge.	
4. If you do not follow instructions given to you by the Court, you may be placed in custody and serve time in the county jail.	
5. You will actively participate in substance abuse treatment as directed by the Judge.	
6. If you fail to complete the Reentry Court Program, you may be returned to custody or receive another penalty.	

Reason(s) for imposition of the RCP special condition(s) of parole: You have a documented history of substance abuse and/or mental illness as proven by:

***LOCATION OF REENTRY COURT:**

Reentry Court:
Street Address:
Room/Floor:
City, State, Zip Code:
Telephone Number:

*You must go to the Reentry Court listed above on _____, the _____ of _____, _____
(Day of the week) (Day) (Month) (Year)

Unit Supervisor's Signature	Badge Number	Date Signed

APPEAL RIGHTS

You have the right to appeal special conditions of parole imposed by the Department of Corrections and Rehabilitation by filing a CDC Form 602, ~~Inmate/Parolee~~ Incarcerated/Supervised Person Appeal Form.

STAFF ISSUANCE/OBSERVATIONS

I have reviewed the Disability and Effective Communication System and the Field File for disability and effective communication source documents.

I have informed this ~~inmate/parolee~~ incarcerated/supervised person of this notice and have determined that he/she:

Appears to understand *Appears to have difficulty understanding*

Effective Communication Method Used: (please circle)

Foreign Language Interpreter Sign Language Interpreter Read/Spoke Slowly

Assistive Device (specify) _____

Other (please explain) _____

If assistance was provided to the ~~inmate/parolee~~ incarcerated/supervised person, complete the below information: After providing assistance, the ~~inmate/parolee~~ incarcerated/supervised person:

Explained the conditions in his/her own words. *Does not appear to understand*

Comments:

Inmate/Parolee Incarcerated/Supervised Person Name (Last, First, MI)	CDCR Number	Inmate/Parolee's Incarcerated/Supervised Person's Signature	Date Signed

Staff Name/Title/Badge Number	Staff Signature	Date Signed

You have volunteered to participate in the Alternative Custody Program (ACP) until transitioned to parole or discharged. You shall be subject to electronic monitoring. You shall comply with all curfew restrictions as a special requirement for your placement in the ACP. You shall remain within your residence or ACP facility between the hours of _____ and _____.

Your person, your residence or place where you stay, and any belongings or property under your control may be searched or seized by any parole agent or peace officer at any time of the day or night, with or without cause, and with or without a warrant as set forth in the California Penal Code, Section 1170.05.

You waive extradition to the State of California from any state or territory of the United States or the District of Columbia, and you will not contest any effort to return you to the State of California. If another jurisdiction has lodged a detainer against you, you may be released to the custody of that jurisdiction. Should the detainer not be exercised, you are to immediately contact the nearest California Department of Corrections and Rehabilitation's Division of Adult Parole Operations office for instructions from your assigned parole agent.

As a participant in the ACP, you are ordered to comply with equipment maintenance requirements, and equipment care instructions associated with Electronic Monitoring (EM) Equipment and in accordance with the instructions of your case manager. You may be criminally charged with grand or petty theft and fined for the cost of the equipment replacement in the event the equipment is not returned, is lost, stolen, and/or there is willful damage.

Should you violate the requirements of this program or your Individualized Treatment and Rehabilitation Plan (ITRP), you may be subject to arrest, return to prison, and/or disciplinary action. You understand that you may be removed from the ACP and returned to prison to serve the remainder of your original sentence for any reason, with or without cause.

SECTION I. REQUIREMENTS OF THE ALTERNATIVE CUSTODY PROGRAM

1. **SPECIAL REQUIREMENTS:** Special requirements of the ACP that forbid conduct, which is not itself criminal, must reasonably relate to a crime for which you were convicted or must be reasonably related to deterring future criminality. You are subject to the following Special Requirements:

_____ I acknowledge my Special Requirements for participating in the ACP.

PARTICIPANT'S INITIALS

UNIT SUPERVISOR'S SIGNATURE DATE SIGNED

2. **RELEASE AND REPORTING:** Unless other arrangements are approved in writing, you will report to your parole agent on the first working day following your release to the ACP. Any change of residence shall be reported to your parole agent in advance. You will inform your parole agent within 72 hours of any change in your employment status, including changes in location, employer, work hours, or termination of employment.

3. **RESIDENCE AND TRAVEL:** You will not travel outside of your county of residence or more than 50 miles from your residence without prior written approval from your parole agent. You will not leave California. Your residence of record shall be free of any aggressive animals, as determined by your parole agent, and provide unobstructed access for law enforcement.

4. **PAROLE AGENT INSTRUCTIONS:** You shall adhere to and comply with all instructions from your parole agent and your ITRP.

5. **CRIMINAL CONDUCT:** You shall not engage in conduct prohibited by law, i.e., State, federal, county or municipal. You shall immediately inform your parole agent of any law enforcement contact including felony or misdemeanor arrests and/or citations. Conduct prohibited by law may result in your return to prison even if no criminal conviction occurs.

- 6. WEAPONS:** You shall not own, use, have access to, or have under your control (a) any type of firearm, or instrument or device which a reasonable person would believe to be capable of being used as a firearm, or ammunition which could be used in a firearm; (b) any weapon defined in State or federal statute, or any instrument or device which a reasonable person would believe to be capable of being used as a weapon; (c) any knife with a blade longer than two inches, except kitchen knives, which must be kept in your residence and knives related to your employment, which may be used and carried only in connection with your employment; or (d) a crossbow of any kind.
- 7. GRIEVANCE:** You have the right to grieve the special requirements pursuant to California Code of Regulations, Title 15.

REASON FOR IMPOSING ELECTRONIC IN-HOME DETENTION (EID) SPECIAL REQUIREMENTS

The California Penal Code 1170.05 states that an Alternative Custody Program shall include the use of electronic monitoring, Global Positioning System Devices, or other supervising devices for the purpose of helping to verify a participant's compliance with the rules and regulations of the program. I understand and acknowledge the data is retained indefinitely and may be shared with other law enforcement agencies.

ELECTRONIC MONITORING EQUIPMENT	PARTICIPANT'S INITIALS
1. You shall not unplug the EM device from the power supply and/or phone line, nor move the monitoring equipment without prior approval from a parole agent.	
2. You shall not expose the EM device to extreme temperatures or submerge (place under water); (e.g., swimming pool, hot tub, bathtub, etc.).	
3. You shall charge the EM device two times per day, once every 12 hours, for at least 1 full hour per charging occurrence.	
4. You shall not tamper with the EM device by pulling on the strap, trying to open the device, pressing the button on the device, or covering the device with any foreign material.	

I have read or have had read to me and understand and agree to the requirements of the ACP as they apply to me.

CDCR NO.	NAME OF <u>INCARCERATED PERSON</u> INMATE /ACP PARTICIPANT (PRINT LAST, FIRST, MI)	
SIGNATURE OF <u>INCARCERATED PERSON</u> INMATE /ACP PARTICIPANT		DATE

SECTION II. FOR CDCR STAFF ONLY

I have reviewed the Disability and Effective Communication System (DECS), the parole field file (DAPO staff), and SOMS/ERMS (institution/DAPO staff), for Disability and Effective Communication source documents.

I have informed this incarcerated person~~inmate~~/participant of this notice and have determined that they:

Appear to understand Appear to have difficulty understanding

Effective communication method used (check all applicable): Foreign Language Interpreter Sign Language Interpreter

Read/Spoke Slowly Assistive Device: _____ Other (specify): _____

After providing assistance, incarcerated person~~inmate~~/ACP Participant:

Explained the ACP requirements in his or her own words. Does not appear to understand.

Comments: _____

STAFF TITLE (PRINT)	STAFF NAME (PRINT)	BADGE/I.D. NUMBER
STAFF SIGNATURE		DATE SIGNED

**PAROLEESUPERVISED PERSON RESIDENCE / EMPLOYMENT
 VERIFICATION**

<input type="checkbox"/>	PRE-RELEASE
<input type="checkbox"/>	CHANGE
<input type="checkbox"/>	TIR

SECTION I

No changes since the residence verification completed on: _____

Updates made, see specific area(s) below.

CDCR Number:	ParoleeSupervised Person Name (Print Last, First, MI):	Parole Unit:		
Proposed Primary Residence Address:	City:	Zip:	Map Code:	Phone:
Current Occupants (Name)	Age	Relationship to <u>ParoleeSupervised Person</u>	Source of Support	On Parole or Probation <input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION II

No changes since residence verification completed on: _____

Updates made, see specific area(s) below.

Identify the person(s) contacted at the residence and their relationship to paroleesupervised person:

Identify the responsible/primary occupant of the residence:

Identify the owner/landlord or property manager of the residence:

How long is it anticipated that the offender will be at the residence?

Verified that there are no weapons in the residence to the occupants.

Explained the parole search and seizure expectations to the occupants.

Identify living area and conduct cursory inspection of the offender'sproposed personal quarters.

Identify any barriers that could preclude access to the front door of the residence. Obtain access codes, gate keys, etc., if applicable. Comment(s):

Identify all dogs and/or other animals on the property and whether or not they may pose a danger to peace officers:

Residence concerns (gang members, registered sex offender , safety concerns, etc.):

Residence compliant with laws for sex offender placement : Not Applicable YES NO* If no, explain:

Residence approved: YES NO* If no, explain:

		REGION <input type="checkbox"/> N/A <input type="checkbox"/> NORTHERN <input type="checkbox"/> SOUTHERN		INCIDENT REPORT LOG NO.	
UNIT	INCIDENT SITE/LOCATION	INCIDENT DATE	INCIDENT TIME	DISCOVERY DATE	
PAROLEE SUPERVISED PERSON SUMMARY					
CHECK ONE	CDCR NO.	N/A	NAME (LAST, FIRST)		PAROLE DATE
<input type="checkbox"/> VICTIM <input type="checkbox"/> SUSPECT <input type="checkbox"/> WITNESS					
COUNTY OF COMMITMENT		COUNTY OF LAST LEGAL RESIDENCE		COUNTY OF RESIDENCE	
CSRA SCORE	SUPERVISION LEVEL	CASE SUPERVISION SPECIFICATIONS MET		AGENT OF RECORD	
		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> MODIFIED			
CASE STATUS	PENDING COURT ACTION	PAROLE REVOKED	REINSTATE DATE	<input type="checkbox"/> N/A	RRD <input type="checkbox"/> N/A
<input type="checkbox"/> ACTIVE <input type="checkbox"/> SUSPENDED	<input type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO			CDD <input type="checkbox"/> N/A
SOCIAL SECURITY NO.					
CII NO.	FBI NO.	LAST OFFICE VISIT DATE		MENTAL HEALTH PARTICIPANT	
				<input type="checkbox"/> CCCMS <input type="checkbox"/> EOP <input type="checkbox"/> MDO <input type="checkbox"/> N/A	
LAST HOME VISIT DATE		LAST COLLATERAL CONTACT DATE	LAST UA TEST (DRUG TEST) DATE	ARRESTING AGENCY <input type="checkbox"/> N/A	
ARREST REPORT/BOOKING NO.		<input type="checkbox"/> N/A	CUSTODY LOCATION	<input type="checkbox"/> N/A	HOLD DATE <input type="checkbox"/> N/A
NON-SERIOUS/NON-VIOLENT LEGAL HISTORY (LIST ARRESTS AND CONVICTIONS - IDENTIFY ARREST OR CONVICTION)					
<i>(Example: PC 666 - Petty Theft w/Prior 8/21/05 Felony/Conviction 6 Counts)</i>					
SERIOUS AND VIOLENT LEGAL HISTORY (LIST ARRESTS AND CONVICTIONS, INCLUDING ALL SEX OFFENSES - INDICATE ARREST OR CONVICTION)					
<i>(Example: PC 187 - Murder 8/21/05 Felony/Arrest)</i>					
CURRENT ARREST CHARGE SUMMARY (IDENTIFY PENAL CODE SECTIONS)					
PAROLE ADJUSTMENT SUMMARY (INCLUDE SPECIAL CONDITIONS, REVOCATION ACTIONS, EMPLOYMENT, SPECIAL PROGRAMS; IF REFERRAL TO BEHAVIORAL HEALTH REINTEGRATION (BHR) WAS ACCOMPLISHED, INDICATE THE REASON FOR REFERRAL AND BHR CONTACTS; SPECIFY DATE OF LAST FACE-TO-FACE CONTACT)					
REPORTING EMPLOYEE PRINTED NAME AND TITLE		SIGNATURE		BADGE/ID NO.	DATE
					CDCR SERVICE
					____ YEARS
					____ MONTHS

REGION	<input type="checkbox"/> N/A	INCIDENT REPORT LOG NO.
<input type="checkbox"/> NORTHERN		
<input type="checkbox"/> SOUTHERN		

EMPLOYEE REPORT

UNIT	INCIDENT SITE/LOCATION	INCIDENT DATE	INCIDENT TIME	DISCOVERY DATE
DESCRIPTION OF CRIME/INCIDENT	OFFENSE TITLE/SECTION/CODE	<input type="checkbox"/> N/A	DATE REPORTED	TIME REPORTED

PAROLEESUPERVISED PERSON/OFFENDER #1

CDCR NO.	<input type="checkbox"/> N/A	NAME (LAST, FIRST)	ETHNICITY	DATE OF BIRTH	SOCIAL SECURITY NO.	CDL/ID NO.
GENDER	CHECK ONE	ADDRESS/CITY/ZIP CODE			TELEPHONE	
<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	<input type="checkbox"/> SUSPECT <input type="checkbox"/> WITNESS	<input type="checkbox"/> VICTIM				
ARRESTED	ARRESTING AGENCY	<input type="checkbox"/> N/A	ARREST REPORT/BOOKING NO.	<input type="checkbox"/> N/A	CUSTODY LOCATION	<input type="checkbox"/> N/A
<input type="checkbox"/> YES <input type="checkbox"/> NO						

CHECK ALL THAT APPLY N/A

HOSPITALIZED REFUSED TREATMENT TREATED AND RELEASED OTHER - *specify* _____

NAME AND LOCATION OF HOSPITAL/TREATMENT FACILITY _____

PAROLEESUPERVISED PERSON/OFFENDER #2

CDCR NO.	<input type="checkbox"/> N/A	NAME (LAST, FIRST)	ETHNICITY	DATE OF BIRTH	SOCIAL SECURITY NO.	CDL/ID NO.
GENDER	CHECK ONE	ADDRESS/CITY/ZIP CODE			TELEPHONE	
<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	<input type="checkbox"/> SUSPECT <input type="checkbox"/> WITNESS	<input type="checkbox"/> VICTIM				
ARRESTED	ARRESTING AGENCY	<input type="checkbox"/> N/A	ARREST REPORT/BOOKING NO.	<input type="checkbox"/> N/A	CUSTODY LOCATION	<input type="checkbox"/> N/A
<input type="checkbox"/> YES <input type="checkbox"/> NO						

CHECK ALL THAT APPLY N/A

HOSPITALIZED REFUSED TREATMENT TREATED AND RELEASED OTHER - *specify* _____

NAME AND LOCATION OF HOSPITAL/TREATMENT FACILITY _____

REPORTING EMPLOYEE INFORMATION (YOU)

NAME (LAST, FIRST)	TITLE	PRIMARY CONTACT TELEPHONE
CHECK ALL THAT APPLY	ASSIGNED UNIT	SECONDARY CONTACT TELEPHONE
<input type="checkbox"/> REPORTING EMPLOYEE <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM		

ASSIGNED UNIT ADDRESS/CITY/ZIP CODE _____

CHECK ALL THAT APPLY N/A

HOSPITALIZED REFUSED TREATMENT TREATED AND RELEASED OTHER - *specify* _____

NAME AND LOCATION OF HOSPITAL/TREATMENT FACILITY _____

LEVEL OF FORCE USED BY YOU	<input type="checkbox"/> NONE	<input type="checkbox"/> NON-DEADLY FORCE	<input type="checkbox"/> DEADLY FORCE
NON-DEADLY FORCE USED BY YOU	DEADLY FORCE USED BY YOU	FORCE OBSERVED BY YOU	
<input type="checkbox"/> NONE <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL AGENTS <input type="checkbox"/> ELECTRONIC CONTROL DEVICE (ECD) <input type="checkbox"/> BATON <input type="checkbox"/> OTHER (SPECIFY): _____	<input type="checkbox"/> NONE <input type="checkbox"/> FIREARM <input type="checkbox"/> .38 CAL <input type="checkbox"/> .40 CAL <input type="checkbox"/> SHOTGUN <input type="checkbox"/> .223 <input type="checkbox"/> 9MM <input type="checkbox"/> OTHER WEAPON (SPECIFY): _____ APPR. NUMBER OF ROUNDS FIRED: _____	<input type="checkbox"/> NONE <input type="checkbox"/> NON-DEADLY FORCE (SPECIFY): _____ <input type="checkbox"/> DEADLY FORCE (SPECIFY): _____	

REPORTING EMPLOYEE PRINTED NAME AND TITLE	SIGNATURE	BADGE/ID NO.	DATE	CDCR SERVICE
				____ YEARS ____ MONTHS

REVIEWER NAME AND TITLE (PRINT/SIGNATURE)	DATE RECEIVED	CLARIFICATION RECEIVED	APPROVED	DATE
		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	

Four copies. One copy shall be retained by the incarcerated person~~prisoner~~. One signed copy shall be retained by the warden/superintendent. Signed copies shall be sent to the prosecuting official of the jurisdiction which placed the detainer and the clerk of the court which has jurisdiction over the matter. The copies for the prosecuting official and the court are to be transmitted by certified or registered mail, return receipt requested.

AGREEMENT ON DETAINERS

**NOTICE OF CONVICTION UPON WHICH SENTENCE HAS NOT
BEEN PRONOUNCED AND OF RIGHT TO REQUEST SENTENCING**

Inmate incarcerated Person _____ No. _____ Inst. _____

Pursuant to the Agreement on Detainers, you are hereby informed that the following are the convictions against you upon which you have not been sentenced concerning which the undersigned has knowledge, and the source and contents of each.

You are hereby further advised that by the provisions of said Agreement you have the right to request the appropriate prosecuting officer of the jurisdiction in which any such conviction was entered and the appropriate court that you be sentenced thereon. You shall then be sentenced within 180 days, unless extended pursuant to provisions of the Agreement, after you have caused to be delivered to said prosecuting officer and said court written notice of the place of your imprisonment and your said request, together with a certificate of the custodial authority as more fully set forth in said Agreement. However, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Your request for sentencing will operate as such a request for all unsentenced convictions on the basis of which detainers have been lodged against you from the state to whose prosecuting official your request is specifically directed. You are advised that said request for sentencing is **not** a request to be present at sentencing and that you do not have the right under the Agreement to such presence. Your request is for prompt sentencing only, which may be accomplished in your absence. Your sentencing may be consecutive or concurrent. You have the right to be represented by counsel at sentencing proceedings.

AGREEMENT ON DETAINERS: Notice of Conviction Upon Which Sentence Has Not Been Pronounced and of Right to Request Sentencing (Continued)

Should you desire such a request for sentencing on any unsentenced conviction, you are to notify _____ of the institution in which you are confined.

Dated: _____ (Name and Title of Custodial Authority)

By: _____
Warden

Date: _____

Inmate/Incarcerated Person _____ No. _____

Five copies. Attached to each copy shall be the "Notice of Conviction Upon Which Sentence Has Not Been Pronounced And of Right to Request Sentencing" (CDCR 1673) and Form III, Certificate of ~~Inmate~~Incarcerated Person Status (DCR 1666). One copy shall be retained by the incarcerated person~~prisoner~~. One signed copy shall be retained by the Warden/ Superintendent. Signed copies shall be sent to the Agreement Administrator of the state which has the ~~prisoner~~incarcerated person, the prosecuting official of the jurisdiction which placed the detainer, and the clerk of the court which has jurisdiction over the matter. The copies for the prosecuting official and the court are to be transmitted by certified or registered mail, return receipt requested.

AGREEMENT ON DETAINERS

INCARCERATED PERSON'S~~INMATE'S~~ NOTICE OF PLACE OF IMPRISONMENT AND REQUEST FOR SENTENCING

TO: _____
(Prosecuting Officer — Title) (Jurisdiction)

_____ (Court) _____ (Jurisdiction)

You are hereby notified that the undersigned is now imprisoned in

_____ at _____
(institution) (city and state)

and I hereby request to be promptly sentenced on the following conviction(s) entered against me:

I hereby agree that this request shall be deemed to be a waiver of my presence at sentencing proceedings in the above listed action(s), and my consent that such proceedings be held in my absence, unless the law of the State of _____ requires my presence at the sentencing proceedings.

If jurisdiction over this matter is properly in another agency, court, or officer, please designate the proper agency, court, or officer and return this form to the sender.

The required Certificate of ~~Inmate~~Incarcerated Person Status is attached.

DATED: _____
(~~Inmate's~~Incarcerated Person's Name and Number)

ATTACHMENT 1
 PVDTS#: _____

CDCR #	PAROLEE SUPERVISED PERSON NAME (LAST, FIRST, MI)			PAROLE UNIT	REGION	AGENT OF RECORD	
AGE	DOB	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE	HEIGHT	WEIGHT	EYES	HAIR
LAST KNOWN ADDRESS					RESIDENTIAL PATTERN <input type="checkbox"/> STABLE <input type="checkbox"/> UNSTABLE <input type="checkbox"/> TRANSIENT		LIFE TERM PAROLEE SUPERVISED PERSON PC 3000.1: <input type="checkbox"/> YES <input type="checkbox"/> NO
ARREST DATE	HOLD DATE		HOLD REMOVED DATE		COUNTY IDENTIFIER		
ARRESTING AGENCY		NAME BOOKED AS			BOOKING NUMBER	BOOKING LOCATION	
CALIFORNIA STATIC RISK ASSESSMENT <input type="checkbox"/> (1) LOW <input type="checkbox"/> (2) MODERATE <input type="checkbox"/> (3) HIGH-DRUG <input type="checkbox"/> (4) HIGH-PROPERTY <input type="checkbox"/> (5) HIGH-VIOLENT LEVEL: IS PAROLEE SUPERVISED PERSON A <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, INDICATE STATIC-99R RISK CATEGORY: <input type="checkbox"/> LOW <input type="checkbox"/> HIGH SEX OFFENDER [AS DEFINED BY PC 290]: GLOBAL POSITIONING SYSTEM MONITORING: WAS PAROLEE SUPERVISED USING GPS: <input type="checkbox"/> YES <input type="checkbox"/> NO CLASSIFICATION: _____ WAS GPS USED TO AFFECT ARREST: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS GPS USED TO INVESTIGATE VIOLATION: <input type="checkbox"/> YES <input type="checkbox"/> NO							

1. VIOLATION AND CIRCUMSTANCES OF CHARGE(S):

2. VIOLATION AND CIRCUMSTANCES OF CHARGE(S):

3. VIOLATION AND CIRCUMSTANCES OF CHARGE(S):

ATTACHMENT 1
PVDTS#: _____

CDCR #	PAROLEE <u>SUPERVISED PERSON</u> NAME (LAST, FIRST, MI)	PAROLE UNIT	REGION	AGENT OF RECORD
--------	---	-------------	--------	-----------------

4. VIOLATION AND CIRCUMSTANCES OF CHARGE(S):

5. VIOLATION AND CIRCUMSTANCES OF CHARGE(S):

6. VIOLATION AND CIRCUMSTANCES OF CHARGE(S):

PAROLEE SUPERVISED PERSON STATEMENT:

ATTACHMENT 1
 PVDTS#: _____

CDCR #	PAROLEE/SUPERVISED PERSON NAME (LAST, FIRST, MI)	PAROLE UNIT	REGION	AGENT OF RECORD
---------------	---	--------------------	---------------	------------------------

1. WITNESS VICTIM

NAME	ADDRESS	TELEPHONE	BADGE # <input type="checkbox"/> N/A	SENSITIVE WITNESS <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> FEARFUL <input type="checkbox"/> MINOR/JUVENILE
-------------	----------------	------------------	---	--

(1) WITNESS/VICTIM STATEMENT:

2. WITNESS VICTIM

NAME	ADDRESS	TELEPHONE	BADGE # <input type="checkbox"/> N/A	SENSITIVE WITNESS <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> FEARFUL <input type="checkbox"/> MINOR/JUVENILE
-------------	----------------	------------------	---	--

(2) WITNESS/VICTIM STATEMENT:

3. WITNESS VICTIM

NAME	ADDRESS	TELEPHONE	BADGE # <input type="checkbox"/> N/A	SENSITIVE WITNESS <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> FEARFUL <input type="checkbox"/> MINOR/JUVENILE
-------------	----------------	------------------	---	--

(3) WITNESS/VICTIM STATEMENT:

4. WITNESS VICTIM

NAME	ADDRESS	TELEPHONE	BADGE # <input type="checkbox"/> N/A	SENSITIVE WITNESS <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> FEARFUL <input type="checkbox"/> MINOR/JUVENILE
-------------	----------------	------------------	---	--

(4) WITNESS/VICTIM STATEMENT:

ATTACHMENT 1
 PVDTS#: _____

CDCR #	PAROLEE SUPERVISED PERSON NAME (LAST, FIRST, MI)	PAROLE UNIT	REGION	AGENT OF RECORD
--------	---	-------------	--------	-----------------

5. WITNESS VICTIM

NAME	ADDRESS	TELEPHONE	BADGE # <input type="checkbox"/> N/A	SENSITIVE WITNESS <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> FEARFUL <input type="checkbox"/> MINOR/JUVENILE
------	---------	-----------	--------------------------------------	---

(5) WITNESS/VICTIM STATEMENT:

NARRATIVE CONTINUED FROM PAGE _____:

COURT STATUS:

EVALUATION:

ATTACHMENT 1
 PVDTS#: _____

CDCR #	PAROLEE'S SUPERVISED PERSON NAME (LAST, FIRST, MI)	PAROLE UNIT	REGION	AGENT OF RECORD
--------	---	-------------	--------	-----------------

RECOMMENDATION FROM SUPERVISING AGENCY

EVIDENCE BASED TOOL USED FOR RECOMMENDATION: PAROLE VIOLATION DECISION MAKING INSTRUMENT [PVDMI]

INSTRUMENT RECOMMENDED RESPONSE LEVEL:

LEAST TO MOST INTENSIVE: CONTINUE ON PAROLE WITH REMEDIAL SANCTIONS MOST INTENSIVE: REFER FOR REVOCATION

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION RECOMMENDED RESPONSE LEVEL:

PETITION FOR REVOCATION DUE TO PAROLEE'S **SUPERVISED PERSON'S** FAILURE TO COMPLY WITH HIS OR HER CONDITIONS OF PAROLE OR INVOLVEMENT IN CRIMINAL BEHAVIOR.

RECOMMENDATION: RETURN TO CUSTODY FOR ____ DAYS.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

PAROLE AGENT NAME	SIGNATURE	DATE
-------------------	-----------	------

SUPERVISOR NAME	SIGNATURE	DATE
-----------------	-----------	------

NOTIFICATION OF DISAPPROVAL FOR MAIL/PACKAGES/PUBLICATIONS

CDCR 1819 (Rev. 07/2448)

Page 1 of 1

INMATE'S INCARCERATED PERSON'S NAME	CDCR NUMBER	HOUSING
-------------------------------------	-------------	---------

A) MAIL / PACKAGES SECTION (Complete for mail or package cases only)

<input type="checkbox"/> INCOMING MAIL/PACKAGE	<input type="checkbox"/> OUTGOING MAIL/PACKAGE
--	--

LIST ITEM(S) WHICH MEET DISAPPROVAL CRITERIA

DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA, INCLUDE CCR, TITLE 15 SECTION

B) PUBLICATIONS SECTION (Complete for publication cases only)

TITLE OF PUBLICATION (Include issue/date)	PUBLISHER	PAGE(S) WHICH MEET DISAPPROVAL CRITERIA
---	-----------	---

DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA, INCLUDE CCR, TITLE 15 SECTION

INITIAL REVIEW (Must be completed in all cases)

PRINTED NAME OF STAFF	SIGNATURE OF STAFF	DATE SIGNED	DATE FORWARDED TO CAPTAIN
-----------------------	--------------------	-------------	---------------------------

CAPTAIN REVIEW ALLOW DISALLOW FORWARD FOR WARDEN/DESIGNEE REVIEW

PRINTED NAME OF CAPTAIN	SIGNATURE OF CAPTAIN	DATE SIGNED	DATE FORWARDED TO INCARCERATED PERSON/INMATE
-------------------------	----------------------	-------------	---

FINAL DECISION ALLOW DISALLOW (Must be completed in all cases)

PRINTED NAME OF WARDEN/DESIGNEE	SIGNATURE OF WARDEN/DESIGNEE	DATE SIGNED	DATE FORWARDED TO INCARCERATED PERSON/INMATE
---------------------------------	------------------------------	-------------	---

ALLOW/DISPOSITION	SENDER/DESIGNEE INFORMATION		
<input type="checkbox"/> RETURNED TO INCARCERATED PERSON/INMATE _____ (Date)	FIRST NAME	MI	LAST NAME

DISALLOW/INMATE'S REQUEST

<input type="checkbox"/> HOLD PENDING INCARCERATED PERSON/INMATE APPEAL	ADDRESS (NUMBER AND STREET)
---	-----------------------------

<input type="checkbox"/> RETURN TO SENDER/DESIGNEE _____ (At Inmate's/Incarcerated Person's Expense) (Date)	ADDRESS (CONTINUED)
---	---------------------

<input type="checkbox"/> DESTROY/ DATE DESTROYED _____	CITY	STATE	ZIP CODE
--	------	-------	----------

*INMATE/INCARCERATED PERSON HAS THIRTY (30) CALENDAR DAYS, AFTER NOTIFICATION IS FORWARDED TO MAKE A REQUEST, OTHERWISE MATERIAL WILL BE DESTROYED.
*ALL APPEALS REGARDING MAIL/PACKAGES SHALL BE REFERRED TO THE WARDEN'S DESIGNATED STAFF.

**ALL APPEALS REGARDING PUBLICATIONS SHALL BE REFERRED TO THE CAPTAIN.

PRINTED NAME OF INMATE/INCARCERATED PERSON	SIGNATURE OF INMATE/INCARCERATED PERSON	DATE SIGNED
--	---	-------------

DISTRIBUTION: A)	1. Mailroom/R&R staff completes White (original) upon initial review then forwards to Captain for decision.
	2. Captain completes White (original) then forwards to Warden/Designee if decision cannot be made - Green copy to incarcerated person/inmate.
	3. Captain/Warden/Designee provides final decision to Allow/Disallow - Goldenrod/Pink/Canary copies to incarcerated person/inmate.
	4. Inmate/Incarcerated person provides response, retains Canary, and returns Goldenrod/Pink copies to Mailroom/R&R.
	5. Mailroom retains Goldenrod copy with White (original) and forwards Pink copy to Sender/Designee.

DISTRIBUTION: B)	1. Mailroom/R&R staff completes White (original) upon initial review then forwards to Captain for decision.
	2. Captain completes White (original) then forwards to Warden/Designee if decision cannot be made - Green copy to incarcerated person/inmate.
	3. Headquarters renders final decision within 30 days.
	4. Captain forwards Headquarter's decision to Allow/Disallow to inmate/Incarcerated person on Goldenrod/Pink/Canary copies.
	5. Inmate/Incarcerated person provides response, retains Canary, and returns Goldenrod/Pink copies to Mailroom/R&R.
	6. Mailroom retains Goldenrod copy with White (original) and forwards Pink copy to Sender/Designee.

INSTITUTION (Staff use only)	LOG NUMBER (Staff Use Only)	DATE RECEIVED BY STAFF:	
***** TALK TO STAFF IF YOU HAVE AN EMERGENCY ***** DO NOT use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDC 7362 or a CDCR 602-HC			
<u>INMATE'S INCARCERATED PERSON'S NAME</u> (Print)	CDCR NUMBER	ASSIGNMENT	HOUSING
INSTRUCTIONS: <ul style="list-style-type: none"> You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability. You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service or activity. You may also use this form to submit an allegation of disability-based discrimination. Submit this form to the Custody Appeals Office. The 1824 process is intended for an individual's accommodation request. Each individual's request requires a case-by-case review. The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. If you have received an 1824 decision that you disagree with, you may submit an appeal (CDCR 602, or CDCR 602-HC if you are disagreeing with a medical diagnosis/treatment decision). 			
WHAT CAN'T YOU DO / WHAT IS THE PROBLEM?			
WHY CAN'T YOU DO IT?			
WHAT DO YOU NEED?			
<i>(Use the back of this form if more space is needed)</i>			
DO YOU HAVE DOCUMENTS THAT DESCRIBE YOUR DISABILITY? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input type="checkbox"/>			
List and attach documents, if available:			
I understand that staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.			
_____ <u>INMATE'S INCARCERATED PERSON'S SIGNATURE</u>		_____ DATE SIGNED	
Assistance in completing this form was provided by:			
_____	_____	_____	
Last Name	First Name	Signature	

EXEMPTION OF FAMILY VISIT/TEMPORARY COMMUNITY LEAVE FUNDS FROM RESTITUTION FINES/ORDERS
CDCR 1839 (Rev 075/2497)

AMOUNT OF MONEY YOU HAVE ENCLOSED:

TO BE COMPLETED, IN ITS ENTIRETY, BY FAMILY MEMBER

NAME OF <u>INCARCERATED PERSON</u> INMATE YOU WISH TO VISIT: (Last, First, MI)		CDCR NUMBER:
NAME OF FAMILY MEMBER PROVIDING FUNDS: (Last, First, MI)		TELEPHONE NUMBER: ()
FAMILY MEMBER'S ADDRESS: (Include City State, and Zip Code) (See Privacy Statement on the back)		

- THESE FUNDS ARE TO PAY FOR FOOD DURING A **FAMILY VISIT (FV)**
- THESE FUNDS ARE FOR A **TEMPORARY COMMUNITY LEAVE (TCL)**

CANCELLATIONS

IF THIS VISIT/LEAVE IS CANCELLED:

- 1) ALL FUNDS WILL REMAIN INDEFINITELY IN THE INCARCERATED PERSON'S ~~INMATE'S~~ TRUST ACCOUNT WITH A HOLD PLACED ON THEM UNTIL USED FOR FUTURE FAMILY VISITS OR TEMPORARY COMMUNITY LEAVES.
- 2) THESE FUNDS WILL BE AVAILABLE SOLELY FOR THE PURPOSE OF FAMILY VISITS OR TEMPORARY COMMUNITY LEAVES AND CANNOT BE USED TO PURCHASE ITEMS FROM THE CANTEEN.
- 3) RESTITUTION WILL NOT BE TAKEN FROM THESE FUNDS WHILE THEY ARE BEING HELD FOR THE FAMILY VISITS OR TEMPORARY COMMUNITY LEAVES.
- 4) NO REFUNDS WILL BE MADE.

IMPORTANT:

- 1) PLEASE SEND THIS FORM WITH PAYMENT TO THE INSTITUTION'S ADDRESS, **ATTENTION: CASHIER**
- 2) IF THIS FORM DOES NOT HAVE COMPLETE INFORMATION, THE FUNDS WILL BE TRANSFERRED TO THE INCARCERATED PERSON'S ~~INMATE'S~~ TRUST ACCOUNT AND SUBJECT TO RESTITUTION DEDUCTIONS.

SIGNATURE OF FAMILY MEMEBER PROVIDING FUNDS	DATE SIGNED
SIGNATURE OF CDCR STAFF FACILITATING FUNDS FOR EMERGENCY TCL	DATE SIGNED

**EXEMPTION OF FAMILY VISIT/TEMPORARY COMMUNITY LEAVE FUNDS
FROM RESTITUTION FINES/ORDERS
CDCR 1839 (Rev ~~7/6/2017~~)**

PRIVACY STATEMENT

The Information Practices Act of 1977 (Civil Code Section 1798.17) requires that the following notice be provided when collecting personal information from individuals.

AGENCY NAME: Department of Corrections and Rehabilitation

UNIT RESPONSIBLE FOR MAINTENANCE: SPECIAL PROJECTS/VICTIM SERVICES, EVALUATION AND COMPLIANCE AND INFORMATION SERVICES DIVISION, P.O. BOX 942883, SACRAMENTO, CA 94283-0001.

AUTHORITY: The collecting of court-ordered restitution fines owed by incarcerated people~~inmates~~ from both inmate wages and trust account deposits is governed by California Code of Regulations, Title 15, Division 3, Section 3097 and Penal Code Section 2085.5.

PURPOSE: The information you furnish will allow the above named agency to verify, track and/or justify approved family members for Family Visiting and Temporary Community Leaves.

INMATE INCARCERATED PERSON PARTICIPATION AGREEMENT—JOINT VENTURE PROGRAM (JVP) CDCR 1872 (Rev. 07/3/24)

Page 1 of 2

Earned wages will be distributed to me by the department once per month regardless of the frequency the employer issues payroll. I authorize the CDCR and my employer to issue checks payable to "California Department of Corrections and Rehabilitation for Inmate Incarcerated Person Name and CDCR Number," and I authorize CDCR's contracted financial services firm to deposit the checks for distribution as described above.

If I make voluntary supplemental deposits to my mandatory savings account, those funds will also be restricted from my access until release. Upon my parole, my mandatory savings in its entirety will be made available to me. If I am owed funds after my release, they will be forwarded to my Parole Agent in accordance with the established monthly disbursement schedule unless you make other arrangements with the JVP.

I also understand the above deductions from my net wages after taxes are a requirement to participate in the JVP and the handling of my payroll in the above mentioned manner expedites the disbursement process.

I agree this agreement shall supersede any provisions in any other document regarding the JVP, which may conflict with this agreement.

I have read, understand, and agree to the above terms and conditions and know what is expected of me as a participant in the JVP.

<u>Inmate Incarcerated</u> Employee's Name (Print)	<u>Inmate Incarcerated</u> Employee Signature	CDCR Number	Date Signed
Institution	JVP Company Name		
Staff Witness Name	Staff Witness Signature	Date Signed	

DISTRIBUTION White: JVP Headquarters, Canary: Central File, Pink: Inmate Incarcerated Employee

**~~INMATE INCARCERATED PERSON PARTICIPATION AGREEMENT—JOINT~~
VENTURE PROGRAM (JVP) CDCR 1872 (Rev. 07~~3~~/240)**

Page 2 of 2

WELCOME TO THE JOINT VENTURE PROGRAM. CONGRATULATIONS ON BEING SELECTED FOR EMPLOYMENT WITH A JOINT VENTURE COMPANY. READ THE TERMS AND CONDITIONS CAREFULLY, AND IF YOU AGREE TO THEM, SIGN WHERE INDICATED BELOW.

I am volunteering to participate in the California Department of Corrections and Rehabilitation (CDCR) Joint Venture Program (JVP). As a participant in JVP, I am responsible for complying with the requirements of my employer and the CDCR. I understand my employment is "at will," and as such is at the discretion of my employer. I understand that I may be lawfully terminated by my Joint Venture employer at any time with or without cause. In addition, I understand that my participation in the JVP may be terminated at any time, with or without cause, by CDCR.

As a condition of my participation in JVP, I agree to participate in random urine testing.

I understand that I may appeal or file a complaint regarding any alleged violation of my rights under Penal Code Section 2717.8 or relevant Labor Code provisions, and that I shall not be subject to retaliation or adverse action by CDCR or my employer for exercising rights guaranteed under the Labor Code or elsewhere in law to address employer-related matters. I understand that I may have rights under the State Labor Laws that can be protected through the complaint procedure of the State of California's Division of Labor Standards Enforcement.

Deductions on my W-4 form will correspond with the information recorded in my Central File, and I will not request withholding of additional amounts of taxes. I hereby authorize the CDCR to make the following deductions which shall not exceed 80 percent of my gross wages in accordance with Section 2717.8 of the Penal Code (Compensation of ~~inmate incarcerated~~ workers deductions and Sections 3476 (h and (i) of Title 15 of the California Code of Regulations:

Federal, state, and local taxes.

20 percent of my net wages after taxes shall be paid to any lawful restitution fine, or contributed to any fund established by law to compensate victims of crime (generic restitution.

20 percent of my net wages after taxes shall be remitted to CDCR for payment of room and board.

20 percent of my net wages after taxes shall be paid for support of family pursuant to state statute or court order. If there is no such state statute or court order, I may designate a family member to receive this portion. If there is no state statute or court order and I choose not to designate a family member, this portion will be held in a mandatory savings account.

I further authorize the Department of Corrections and Rehabilitation to distribute my net wages after taxes once each month in accordance with the above deductions. The remainder of my net wages after taxes shall be distributed to me as follows:

20 percent of my net wages after taxes shall be available to me once per month with a statement revealing the disbursements made. These earnings will be placed into my ~~inmate~~ Trust Account for expenditure per standard institution rules upon receipt at the institution.

The remainder of my net wages after taxes shall be deposited in a mandatory savings account and will be available to me upon my release.

INMATE/PAROLEE INCARCERATED/SUPERVISED PERSON INFORMATION

Inmate/Parolee Incarcerated/Supervised Person Name: _____ CDCR

#: _____ Housing/Parole Unit: _____ Proposed Name on Petition:

Date Petition Submitted to Court: _____

Requested Court Hearing Date (If Applicable): _____

Documents Included with Notice: _____

Date Petition submitted to Warden/Regional Parole Administrator (RPA): _____

Inmate/Parolee Incarcerated/Supervised Person Signature: _____ Date Signed: _____

WARDEN/REGIONAL PAROLE ADMINISTRATOR REVIEW:

Date Petition Received: _____

Assigned Reviewer: _____

Date Due: _____

Reviewers Recommendation:

Concur with Name Change Petition:

Object to Petition:

Reviewer: _____ Title: _____ Signature: _____ Date Completed: _____
(Print Name)

Warden/Regional Parole Administrator Decision:

Concur with Name Change Petition:

Object to Petition:

Warden/RPA: _____ Signature: _____ Date Completed: _____
(Print Name)

PRIORITY LIBRARY USER (PLU) REQUEST AND DECLARATION

Date of Request: _____ / _____ / _____

Incarcerated Person's/Inmate's Full Name (Print Legibly) CDCR #

Complete Incarcerated Person/Inmate Housing Assignment Information: _____

Complete sections A through D below to describe your established court deadline and certify your eligibility for Priority Legal User (PLU) status.

A. My established court deadline is based on (check one and provide information):

A court imposed deadline for an active case (attach court document showing the deadline).
Specify court (e.g., Kern County Superior Court): _____

Specify case number: _____

A statutory deadline.

Identify the statute or court rule that compels the deadline: _____

B. My deadline pertains to a(n) (check one and provide information if needed):

Writ of habeas corpus State or Federal action concerning prison conditions

Appeal of criminal conviction Petition for certiorari concerning criminal conviction

Other legal action (specify) _____

C. The day of my established court deadline is: _____ / _____ / _____
(MM) (DD) (YY)

D. ~~Inmate's~~Incarcerated Person's self certification of eligibility. (Check all that apply. Sign and date below):

I am not represented by an attorney.

I am working on, and will only work on, my individual case.

I certify that all of the above information is true and correct. I understand that my application for PLU status, or the granting of my PLU status, will be revoked for falsifying information on this request; and that I will be guilty of an administrative rule violation.

Incarcerated Person's/Inmate's Signature

CDCR #

Date

ALTERNATIVE CUSTODY PROGRAM (ACP) APPLICATION AND VOLUNTARY AGREEMENT

CDCR 2234 (Rev. 07/24 03/16)

PAGE 1 OF 1

The Alternative Custody Program (ACP) is a voluntary program that promotes parenting, family reunification, and the development of life skills while addressing treatment needs. The ACP allows offenders to be housed in a residential home, a transitional care facility, or a residential drug or treatment program instead of serving time in prison. I understand placement into the ACP is based upon meeting specific eligibility criteria and the California Department of Corrections and Rehabilitation has the authority for final placement approval based on multiple factors. While participating in the ACP, I will be subject to applicable rules and regulations governing incarcerated persons inmates pursuant to the California Code of Regulations (CCR), Title 15, Division 3. I understand I may be removed from the ACP and returned to prison to serve the remainder of my original sentence at any time, with or without cause.

I. TO BE COMPLETED BY INCARCERATED PERSON INMATE				
SELECT ONE:				
<input type="checkbox"/> I have private medical insurance OR <input type="checkbox"/> I agree to apply for any county, state or federal medical coverage for which I may qualify.				
INDICATE CHOICE (e.g., 1 or 2):	I am requesting to reside at one of the following (listed in preference order with my 1 st choice being number 1 and my 2nd choice being number 2):			
	ACP Private Program:	NAME OF PROGRAM		
	<i>Will require a program acceptance letter and residence verification which may increase the application processing timeframe.</i>	STREET ADDRESS		
		CITY, ZIP CODE	COUNTY	
		CONTACT NAME	CONTACT PHONE NUMBER	
	ACP Private Residence (home):	(I understand my residence must have no aggressive animals, no weapons, unobstructed access by law enforcement and will be verified by a Parole Agent.)		
	<i>Will require a residence verification which may increase the application processing timeframe.</i>	STREET ADDRESS		
		CITY, ZIP CODE	COUNTY	
		CONTACT NAME(S)	CONTACT PHONE NUMBER	
I understand that my signature on this document indicates my willingness to voluntarily participate in the ACP. I am aware that wearing and maintaining an electronic monitoring device is a condition of my placement in the ACP.				
CDCR NUMBER	INCARCERATED PERSON INMATE-NAME (PRINTED)	INCARCERATED PERSON INMATE-SIGNATURE	DATE SIGNED	HOUSING UNIT
II. FOR USE BY INSTITUTION COUNSELING STAFF				
Does the participant have a qualifying disability requiring effective communication? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, cite the source document and/or observation(s): _____				
What type of accommodation/assistance was provided to achieve effective communication to the best of the <u>incarcerated person's inmate's</u> ability? _____				
COUNTY OF LAST LEGAL RESIDENCE		COUNTY OF COMMITMENT	INSTITUTION	EARLIEST POSSIBLE RELEASE DATE
ELIGIBILITY	REASON, IF INELIGIBLE			
<input type="checkbox"/> REFER FOR SCREENING	<input type="checkbox"/> INELIGIBLE			
CORRECTIONAL COUNSELOR NAME (PRINT)	CORRECTIONAL COUNSELOR SIGNATURE		DATE SIGNED	PHONE NUMBER
III: FOR USE BY DIVISION OF ADULT PAROLE OPERATIONS STAFF				
REGION	PAROLE UNIT	INVESTIGATING PAROLE AGENT'S NAME	DATE ASSIGNED	
<input type="checkbox"/> NORTHERN <input type="checkbox"/> SOUTHERN				
DUE DATE	PROPOSED RESIDENCE MEETS CRITERIA	COMMENTS		
	<input type="checkbox"/> YES <input type="checkbox"/> NO			
PAROLE AGENT'S PRINTED NAME	PAROLE AGENT'S SIGNATURE		DATE SIGNED	
<input type="checkbox"/> I CONCUR WITH THE PAROLE AGENT'S RECOMMENDATION.				
UNIT SUPERVISOR'S PRINTED NAME	UNIT SUPERVISOR'S SIGNATURE		DATE SIGNED	
UPON COMPLETING THE RESIDENCE VERIFICATION, PLEASE RETURN THIS FORM TO THE SENDING INSTITUTION'S C&PR OFFICE.				

ACP SCREENING

CDCR Number: _____ Name: _____ Release Date: _____

This form shall be completed after review of a CDCR 2234, ACP APPLICATION AND VOLUNTARY AGREEMENT form from an incarcerated person inmate. If applicable, check the appropriate EXCLUSIONARY box(es) below:

I. EXCLUSIONARY CRITERIA:

- Current Violent or Serious Felony conviction, including stayed counts or enhancements for offenses pursuant to PC Section 667.5(c), Section 1192.7(c), or 1192.8.
- PC Section 290 et seq. registration requirement or current or prior conviction for a sexually violent offense as defined in subdivision (b) of Welfare and Institutions Code Section 6600.
- California Static Risk Assessment (CSRA) score of 5 (high violence).
- Upon placement into program, cannot have more than 12 months or less than 45 days to serve on EPRD.
- Escape history within last 10 years or mandatory minimum for escape.
- Active or potential misdemeanor or felony holds, warrants, or detainers. Active or potential ICE holds, warrants, or detainers.
- Active Restraining Order.
- In-Custody misconduct (Division A-C offenses) in last 24 calendar months, except physical possession of alcohol.
- SHU/PSU within the last 12 calendar months.
- Close or MAX Custody.
- Active or inactive validated STG-I member or associate pursuant to CCR Section 3378 et seq.

II. CASE-BY-CASE REVIEW:

- Validated as an STG-II member or associate.
- Current or prior child abuse conviction(s) or convictions where the offense was related to abuse or neglect of a child.
- Current or prior conviction(s) for stalking.
- Any prior ACP participation that resulted in a return to an institution.
- Current or prior arson conviction.
- Upon review of all case factors, no appropriate transitional care facility, residential drug or treatment program or residential home is available in the community.
- Prior conviction of any of the crimes listed as a violent felony in Penal Code (PC) section 667.5(c) or serious felony in PC sections 1192.7(c) or 1192.8 including stayed counts and enhancements.

III. DETERMINATION:

- **Forward to WCSU** - If there are no boxes marked in Section I or II, check the "Forward to WCSU" box below for further review to determine potential eligibility. Final eligibility will be determined by the Institutional Classification Committee considering ACP placement.
- **Ineligible** - If any boxes are marked in Section I, check the "Ineligible" box below. The reason for ineligibility shall be noted in the Comment Section.
- **Case-by-Case Review** - If there are no boxes marked in Section I and one or more boxes are marked in Section II, check the "Forward to WCSU" and "Case-by-Case Review" boxes below. CBC reviews are conducted ONLY when no other exclusions exist. The above noted CBC reviews shall be evaluated by the Institutional Classification Committee considering ACP placement.

Ineligible Case-by-Case Review Forward to WCSU

Comments Section: _____

Institution/CCII Name/Date _____ Signature: _____

WCSU/Name/Date: _____ Signature: _____ Potentially eligible Ineligible

Distribution: Original to c-file.

I. PRE-INTERVIEW FILE/DECS REVIEW (STAFF ONLY)

I acknowledge that I have reviewed all relevant and reasonably available electronic central file and/or field file information and the Disability and Effective Communication System (DECS) prior to the first contact with the inmate/incarcerated/parolee/supervised person involved in this parole proceeding

STAFF PRINTED NAME: _____ SIGNATURE: _____ DATE: _____

IDENTIFIED DISABILITIES - Information obtained from DECS only, unless a date is next to the listed source document:
 Mental Health Concerns - Check One: CCCMS EOP Verified on form CDC 128-C or CDCR 128-MH1 Date: _____
 Developmental Disability - Check One: DD1 DD2 DD3 Verified on form CDC 128C-2 Date: _____
 Physical Disability - Check all that apply: Verified on form CDC 1845 Date: _____
MOBILITY: DPW DPO DPM **VISION:** DPV DNV **HEARING:** DPH DNH **SPEECH:** DPS **KIDNEY:** DKD
 Learning Disability, documented on: _____ Dated: _____
 No Disabilities Identified (From review of the field file and DECS).

OTHER POTENTIAL ASSISTANCE NEEDS:
 Reading Level: _____ Total Grade Point Level: _____ (If not available, write "N/A")
 Non-English Speaking - List languages(s) the inmate/incarcerated/parolee/supervised person speaks and understands: _____

II. INMATE/INCARCERATED/PAROLEE/SUPERVISED PERSON SELF-IDENTIFICATION

WHILE YOU ARE HOUSED IN A COUNTY JAIL, you have the right to receive help with reading, hearing, understanding, communicating, or seeing during your parole proceeding. If you do not speak English, you have a right to an interpreter. If you are deaf and use sign language, you have a right to a sign language interpreter. If you cannot read, CDCR must provide you with help to read documents. You also have the right to request assistance with housing, healthcare, communicating, or getting around. If you do not get help, or do not think you received the kind of help you need, you may ask a deputy at the jail for help or a county jail grievance form. If you need further assistance, you may ask the Parole Agent who is providing you with your Notice of Charges for a form CDCR 2275-CJ (04/14), *Request for Reasonable Modification or Accommodation for Access to Housing and/or Programs(s) in a County Jail*.

CHECK ALL THAT APPLY:
 I need help reading my documents. I need to communicate in writing. I need a sign language interpreter.
 I need help understanding the procedures and forms.
 I need the following help to hear: _____ I do have it. I do not have it.
 I need the following help to see: _____ I do have it. I do not have it.
 I need a wheelchair and I do have one. I do not have one.
 I need a _____ (appliance/equipment) to get around and I do have it. I do not have it.
 I do not speak English and need an interpreter in (language) _____
 I need a housing accommodation (specify): _____ and I do have it. I do not have it.
 I have a health problem and I need: Medical Evaluation Mental Health Evaluation Medication
 I do not need an accommodation or assistance at this time.

INMATE/INCARCERATED/PAROLEE/SUPERVISED PERSON'S SIGNATURE: _____ **CDCR NUMBER:** _____ **DATE SIGNED:** _____

III. INITIAL SERVICE (STAFF ONLY)

No Accommodation Requested.
 I have requested an accommodation/effective communication from the county jail staff on behalf of the parolee/supervised person:
TYPE: Mobility Vision Communication Housing Medical Other Specify: _____
 County Jail Facility Name: _____ Date Jail Staff Notified: _____

Accommodation(s) provided/effective communication method used:
 Foreign Language Interpreter - Telephonic Foreign Language Interpreter/Contractor - In - Person Sign Language Interpreter
 Foreign Language Interpreter/Certified DAPO Staff Assistive Hearing Device Assistive Visual Device Read Lips
 Read/Spoke Slowly/Loudly Simple English Other - Specify: _____

Parolee/Supervised person has requested and I have provided a form CDCR 2275-CJ, and a pre-addressed, postage-paid envelope.
 I have informed the parolee/supervised person of their right to reasonable accommodations and charges if any, and have determined that they:
 Appear to Understand. Appear to Have Difficulty Understanding.

ADDITIONAL COMMENTS:

STAFF NAME AND TITLE: _____ **SIGNATURE:** _____ **DATE:** _____

CDCR NUMBER: _____ **INMATE/INCARCERATED/PAROLEE/SUPERVISED PERSON'S NAME** _____ **COUNTY JAIL FACILITY NAME:** _____

For Warrant Unit Internal Use Only

AFTER-HOURS WARRANT TRACKING FORM			
COUNTY OF		CALL DATA	
ADMINISTRATIVE OFFICER OF THE DAY'S NAME		DATE: _____	
REQUESTING PAROLE AGENT'S NAME	PAROLE UNIT	TIME: _____	
PAROLE UNIT SUPERVISOR'S NAME		Authorized by the County: <input type="checkbox"/> YES <input type="checkbox"/> NO	
PAROLEE SUPERVISED PERSON NAME (LAST, FIRST, MIDDLE)			
CDCR NO.	CII NO.	FBI NO.	NAME OF COUNTY APPROVER

.....
Warrant Number: _____

TYPE OF WARRANT ISSUED BY THE COUNTY

- CALIFORNIA WARRANT
- NCIC WARRANT

IDENTIFYING INFORMATION

DOB	GENDER	HEIGHT	WEIGHT	HAIR	EYES	RACE	TATTOOS
CAUTION(S)					LAST KNOWN ADDRESS		

SPECIAL INSTRUCTIONS: E-mail completed form to the Unit Supervisor/Agent of Record.

<input type="radio"/> COMPLETE REPORT <input type="radio"/> SUPPLEMENTAL REPORT <input type="radio"/> CONTINUATION OF REPORT		REPORT NUMBER	ARRESTING UNIT <input type="radio"/> DAPO <input type="radio"/> OTHER	NAME OF ARRESTING AGENT/OFFICER				
DATE/TIME OF REPORT	DATE/TIME OF ARREST / INCIDENT		LOCATION OF ARREST/INCIDENT	BOOKING NUMBER				
1st CHARGE		<input type="radio"/> FELONY <input type="radio"/> MISDEMEANOR	CRIME DEFINITION					
2nd CHARGE		<input type="radio"/> FELONY <input type="radio"/> MISDEMEANOR	CRIME DEFINITION					
BOOKING LOCATION			CUSTODY/COUNTY JAIL LOCATION					
SUBJECT (IF MORE THAN ONE SUBJECT, ATTACH ADDITIONAL PAGES AND CHECK THE BOX "CONTINUATION OF REPORT")								
NAME (LAST, FIRST, MIDDLE)			ALIAS OR NICKNAME(S):					
CDCR NUMBER	STATE SUPERVISED PAROLEE PERSON <input type="radio"/> YES <input type="radio"/> NO	PAROLE REGION/UNIT		POST RELEASE COMMUNITY SUPERVISION <input type="radio"/> YES <input type="radio"/> NO				
RESIDENCE ADDRESS (NO. AND STREET/APARTMENT/FLOOR/ROOM)			CITY	STATE	ZIP CODE			
MAILING ADDRESS		<input type="checkbox"/> SAME	HOME PHONE NUMBER	ALTERNATE PHONE NUMBER				
SEX <input type="radio"/> MALE <input type="radio"/> FEMALE	AGE	RACE	DATE OF BIRTH	PLACE OF BIRTH	HAIR	EYES	HEIGHT	WEIGHT
DRIVERS LICENSE/I.D. NUMBER	STATE	STATUS OF LICENSE	OCCUPATION / NAME OF EMPLOYER		BUSINESS PHONE			
FBI NUMBER	CII NUMBER	INS NUMBER	SOC SECURITY NO.		OTHER			
TATTOOS, MARKS, SCARS								
VEHICLE(S) CODES: SV = SUSPECT VEHICLE W = WITNESS VEHICLE V = VICTIM VEHICLE RO = REGISTERED OWNER								
NO. 1								
CODE	LICENSE NO.	STATE	YEAR	MAKE	MODEL	BODY STYLE	COLOR(S)	
VIN NUMBER					NAME AND ADDRESS OF REGISTERED OWNER <input type="checkbox"/> SAME AS SUBJECT			
NAME OF LEGAL OWNER <input type="checkbox"/> SAME AS SUBJECT		VEHICLE DISPOSITION <input type="radio"/> STORED <input type="radio"/> IMPOUNDED		LOCATION OF VEHICLE				
NO. 2								
CODE	LICENSE NO.	STATE	YEAR	MAKE	MODEL	BODY STYLE	COLOR(S)	
VIN NUMBER					NAME AND ADDRESS OF REGISTERED OWNER <input type="checkbox"/> SAME AS SUBJECT			
NAME OF LEGAL OWNER <input type="checkbox"/> SAME AS SUBJECT		VEHICLE DISPOSITION <input type="radio"/> STORED <input type="radio"/> IMPOUNDED		LOCATION OF VEHICLE				
PROPERTY/EVIDENCE								
NO. 1								
ID #	DESCRIPTION		SERIAL NUMBER	MAKE/MODEL				
OWNER				LICENSE/STATE		COLOR		
STATUS	STATUS OFFICER			QUANTITY	UNITS OF MEASURE	VALUE		
GUN TYPE	CALIBER		FINISH	GRIP	GUN STOCK			
CONDITION			GUN TEST <input type="radio"/> YES <input type="radio"/> NO	TEST TYPE	SIGHT TEST <input type="radio"/> YES <input type="radio"/> NO	SIGHT TEST		
REPORTING AGENT/OFFICER (PRINT NAME)			SIGNATURE	BADGE NO.	DATE			

REPORT NO: _____

SYNOPSIS (continued)

REPORTING AGENT/ OFFICER (PRINT NAME)	SIGNATURE	BADGE NO.	DATE
SUPERVISOR (PRINT NAME)	SIGNATURE	BADGE NO.	DATE

RELIGIOUS PERSONAL PROPERTY MATRIX (RPPM) REQUEST FOR ADDITIONAL ITEM
 CDCR 2279 (Rev. 407/244)

RELIGIOUS PERSONAL PROPERTY MATRIX (RPPM) REQUEST FOR ADDITIONAL ITEM

Item Request for Next RPPM Revision (One Item per form)

PART 1 - RELIGIOUS ITEM REQUESTED (Completed by InmateIncarcerated Person)			
INMATEINCARCERATED PERSON NAME:	CDCR #:	INMATE INCARCERATED PERSON SIGNATURE:	DATE:
INSTITUTION:	HOUSING:	RELIGIOUS AFFILIATION:	
ITEM REQUESTED:			
DESCRIPTION: <i>(Specify size, materials, removable pieces, type of construction and attach photograph or drawing of item.)</i>			
STATEMENT OF SIGNIFICANCE/NEED: <i>(Specify religious significance or need. Statements must be contained on this form.)</i>			
DESCRIBE WHY AN ITEM CURRENTLY LISTED ON THE RPPM, IS NOT SATISFACTORY:			
PART II - INSTITUTION RELIGIOUS REVIEW COMMITTEE (RRC) RECOMMENDATION			
OPERATIONAL CONCERNS: <i>(E.g., safety and security, size, infringement of other inmateincarcerated people's rightsrights, etc.)</i>			
LEAST RESTRICTED ALTERNATIVE(S) CONSIDERED: <i>(E.g., other items on RPPM, symbolic items, etc.)</i>			
<input type="checkbox"/> The RRC has reviewed the request and recommends approval. <i>(Forward request, including justification, to Statewide Religious Review Committee [SRRC].)</i>			
<input type="checkbox"/> The RRC has reviewed the request and recommends approval with the following restrictions. <i>(E.g., request is inappropriate for some security levels or may qualify for group/congregate use under the direction of staff or volunteer, etc.)</i>			
<input type="checkbox"/> The RRC has reviewed the request and recommends disapproval <i>(Include justification for disapproval below. Forward to SRRC. Incarcerated Personinmate appeal in this matter must include a copy of this disapproval.)</i>			
JUSTIFICATION/RESTRICTIONS/COMMENTS: <i>(Must include justification and/or restrictions.)</i>			
RRC CHAIR SIGNATURE		WARDEN'S SIGNATURE	
DATE		DATE	

RELIGIOUS PERSONAL PROPERTY MATRIX (RPPM) REQUEST FOR ADDITIONAL ITEM

CDCR 2279 (Rev. 4/07/24)

RELIGIOUS PERSONAL PROPERTY MATRIX (RPPM) REQUEST FOR ADDITIONAL ITEM

PART III - COMPLETED BY STATEWIDE RELIGIOUS REVIEW COMMITTEE (SRRC)	
Upon review of Part I, Part II and supporting information, the SRRC acts as follows:	
<input type="checkbox"/> APPROVED for Director's review <input type="checkbox"/> APPROVED as amended for Director's review <input type="checkbox"/> DISAPPROVED	
JUSTIFICATION/RESTRICTIONS/COMMENTS:	
_____	_____
SRRC CHAIR SIGNATURE	DATE
PART IV - DIRECTOR'S DECISION	
Upon review of Part I, Part II and supporting information submitted by the <u>incarcerated person</u> inmate , the Director acts as follows:	
<input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED as amended <input type="checkbox"/> DISAPPROVED	
JUSTIFICATION/RESTRICTIONS/COMMENTS:	
_____	_____
DIRECTOR'S SIGNATURE	DATE

INSTRUCTIONS FOR CDCR 2279 DISTRIBUTION PROCESS

Part I: This section completed by the ~~inmate~~incarcerated person and submitted to the RRC for consideration. (One item per form)

Part II: RRC will review request and complete Part II of the form, including Justification/Restrictions/Comments. The warden will sign and date this section then forward to the SRRC, Division of Adult Institutions, GP-Males, Attn: Associate Director (CDCR Form 271 (Rev. 02/12) - Headquarters' Route Slip).

Part III: SRRC will review request for additional item. The SRRC Chair will then forward the recommendation to the Director's Office.

Part IV: Director will approve or disapprove, sign, date, and return form to SRRC Chair.

The SRRC Chair will distribute copies to the following: Religious Programs Oversight Unit (RPOU), warden, RRC Chair and ~~inmate~~incarcerated person as indicated in the distribution list below. SRRC to retain original.

The RPOU will submit approved changes to the Regulations and Policy Management Branch. ~~Inmates~~incarcerated people may not possess approved items until the regulatory process is complete and a new RPPM is published.

Incident Commander's Review/Critique Use of Force Incidents

INCIDENT SITE/LOCATION	INCIDENT LOG #
DESCRIPTION OF THE INCIDENT	INCIDENT DATE

The following review will be completed by the Incident Commander or a second-line Supervisor in preparing the incident package for administrative review and as a means to ensure adherence to the Use of Force Policy.

(Check all that apply)
1. Identify necessary and reasonable purpose for the application of force: <input type="checkbox"/> Subdue an attacker <input type="checkbox"/> Effect custody <input type="checkbox"/> Overcome resistance <input type="checkbox"/> Gain compliance with a lawful order. Write the lawful order: _____
2. Identify the force option(s) utilized: <input type="checkbox"/> Physical strength and holds <input type="checkbox"/> Hand-held batons <input type="checkbox"/> X-10 (w/o OC) <input type="checkbox"/> X-10 (w/ OC) <input type="checkbox"/> Chemical agents: <i>Type / Projector / # Deployed and Length of Applications:</i> _____ _____ <input type="checkbox"/> Less-lethal weapons: <i>Model / Round / # Deployed:</i> _____ <input type="checkbox"/> Firearms: <i>Model / Caliber / # rounds fired:</i> _____ <input type="checkbox"/> Non-Conventional Force: <i>Specify item and how used:</i> _____

3. Identify the circumstances in which force was applied? <input type="checkbox"/> Controlled - Go to #4 <input type="checkbox"/> Immediate - Go to #5
--

(Complete items below if Controlled Use of Force)	Yes	No	N/A
4. Controlled Use of Force. If 4 is marked "N/A" then 4(a-q) can be left blank:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Was a Manager present during the controlled use of force?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Was an appropriate cool down period afforded before force was used and the start time and duration documented in the CDCR 837-A1? If so, indicate start time and approximate duration of cool down period. Start Time: Duration: hours minutes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1) Were other resources accessed during cool down period if they were available? (i.e. Religious Leaders, other custody staff, other staff known to inmate <u>incarcerated person</u> , etc.) If so, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Were clinical intervention attempts made to verbally counsel and persuade the inmate <u>incarcerated person</u> to voluntarily exit the area by a licensed mental health practitioner or were similar attempts made by custody staff if authorized by the on-site manager?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Was it determined by a licensed mental health practitioner that the inmate <u>incarcerated person</u> did not have the ability to understand orders, had difficulty complying with orders, or was at a substantial risk of decompensation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If "d." is yes, did the Warden, Chief Deputy Warden or AOD authorize the use of chemical (1) agents? If so, provide name and title. Name: Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Were all disciplines in agreement with ending the cool down period? List classification and names in the Comments section below. If it was necessary to have the termination of cool down authorized at a higher level, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. If this is a Controlled use of force for Medical Treatment, did an on duty health care services staff review the inmate <u>incarcerated person</u> file to ensure the medical authorization for the medication exists and was the name and title of the staff member included in the CDCR 837-A1 per DOM 51020.12.4 & 51020.17.7? Name: Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Did the inmate <u>incarcerated person's</u> housing meet the criteria requiring Warden, Chief Deputy Warden, or AOD's approval for use of chemical agents (i.e. MHCB, PIP, OHU, PSU, or an ASU-EOP Hub)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reviewer's Name (Printed Name and Signature)	Title	Date

Incident Commander's Review/Critique Use of Force Incidents

<i>(Complete the items below)</i>		Yes	No	N/A
h.	Did the review of the inmate's <u>inmate's</u> incarcerated person's Unit Health Record (UHR) for medical conditions indicate an increased risk for a potential adverse outcome resulting from the use of force? If so, indicate in the Comments section what determination was made regarding force options used.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Was the tactical plan finalized based on a collaborative effort and approved by the on-site Manager? If it was necessary to have the plan authorized at a higher level, explain level of approval in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Did the inmate <u>inmate</u> incarcerated person meet the criteria requiring Warden or Chief Deputy Warden (not AOD per DOM 51020.14.2) approval for use of impact munitions (i.e., housed in Mental Health Crisis Bed, PIP, Out-Patient Housing Unit, PSU, or an ASU-EOP Hub, or lack the ability to understand orders)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Did you review the video recording of the controlled used of force?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Was there licensed nursing staff present during the extraction and did they verify they had appropriate medical supplies and equipment to respond to a medical emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m.	Did the incident commander initiate a verbal warning (admonishment) prior to application of force per DOM 51020.12.3?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n.	If chemical agents were used, was there at least 3 minutes between each application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o.	Did the on-site Manager authorize each use of additional applications of chemical agents beyond the maximum applications listed in DOM 51020.15.1 for a small space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p.	Did the inmate <u>inmate</u> incarcerated person submit to a visual search prior to being removed from the cell? If no, explain in the Comments below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q.	Was the appropriate amount of extraction equipment issued to staff based on the type of housing the extraction took place based on DOM 51020.12.2?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	If chemical agents used, were decontamination procedures adhered to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	If In-Cell decontamination of OC is recommended, was licensed nursing staff there to advise the inmate <u>inmate</u> incarcerated person how to self-decontaminate and the importance of decontamination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	If staff's use of force resulted in death, SBI, or GBI, was timely notification made to the OIG and OIA? If no, please explain in the Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	If one of the following conditions exists, a video recorded interview with the affected inmate(s) <u>inmate(s)</u> incarcerated person(s) is required within 48 hours. Check the applicable condition(s): GBI or SBI as a result of staff's use of force. Allegation of unnecessary or excessive force.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	Was a video interview conducted? If an interview was not conducted within the 48 hours, explain in the Comments section. If 7 is marked "N/A" then 7(a-h) can be marked N/A.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	How was the allegation made? <input type="checkbox"/> Verbal <input type="checkbox"/> Written			<input type="checkbox"/>
c.	If the inmate <u>inmate</u> incarcerated person declined to participate in the video interview, was the refusal video recorded?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Did you review the video recording of inmate <u>inmate</u> incarcerated person interview or refusal to interview?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Were introductions for Camera Operator and Custody Supervisor recorded?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Was the Custody Supervisor performing the video interview not involved in the incident?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Were the inmates <u>inmates</u> incarcerated persons injuries video recorded close enough and accurately enough to view and assess?			<input type="checkbox"/>
h.	Did the video recorded injuries match the injuries documented on the CDCR 7219?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)	If (h) is no, was a subsequent video recorded with the updated CDCR 7219 speaking to the discovery of previously undocumented injuries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reviewer's Name (Printed Name and Signature)	Title	Date

Incident Commander's Review/Critique Use of Force Incidents

<i>(Complete the items below)</i>	Yes	No	N/A
8. Have you received applicable reports (CDCR 837-C and CDCR 7219) from all identified staff (including medical staff) involved in this incident prior to the end of their shift? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
a. Were all staff reports reviewed for quality, accuracy, and content, including if applicable, the Report of Finding- Inmate <u>Incarcerated Person</u> Interview (CDCR 3014)? (DOM 51020.19.1)	<input type="checkbox"/>	<input type="checkbox"/>	
b. If there were requested clarifications (CDCR 837-C2 Crime/Incident Report Part C2 - Review Notice) based on staff's documented use of force, were the clarifications submitted in a timely fashion? (DOM 51020.19.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Was the Incident Commander review stopped due to an investigation by the DFIT, the OIA, or any other outside investigating agency? If the Review was stopped, note the date and reason why the review ceased. Continue in the Comments section if needed. (DOM 51020.17.7) Date: Reason:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Were there any actions taken by you to address deficiencies in the incident package? If yes, explain in the Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Based on the information/documentation received, staff's actions prior to the use of force were in compliance with the Use of Force policy, procedure, and training? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
12. Based on the information/documentation received, staff's actions during the use of force were in compliance with the Use of Force policy, procedure, and training? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
13. Based on the information/documentation received, staff's actions following the use of force were in compliance with the Use of Force policy, procedure, and training? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	

1. Describe the totality of circumstances that required force to be utilized.

2. What steps were taken to avoid and/or minimize the need for the force used?

3. Was the force reasonable and necessary to control the circumstances? If no, explain.

4. If the force used resulted in SBI, GBI, Death of the inmate or if there was an ~~inmate's~~ inmate's incarcerated person's allegation of excessive or unnecessary force, describe ~~inmate~~ inmate incarcerated person injuries due to force used.

5. Are there any notable items considered clerical/procedural issues that did not contribute to any non-compliance with respect to staff's use of force, but should be addressed?

Comments:

Reviewer's Name (Printed Name and Signature)	Title	Date

Manager's Review - First Level Use of Force Incidents

INCIDENT SITE/LOCATION	INCIDENT LOG #
DESCRIPTION OF THE INCIDENT	INCIDENT DATE

The following review will be completed by the First Level Manager to prepare the incident package for administrative review and as a means to ensure adherence to the Use of Force Policy.

<i>(Complete the items below)</i>	Yes	No	N/A
1. Was the CDCR 837 incident package completed and received in a timely manner?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Were all clarifications requested by the Incident Commander completed accurately and in a timely fashion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Were all clarifications requested based upon your review completed accurately and in a timely fashion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. After the complete review of all documents in the CDCR 837 incident package (including the CDCR 3014 if applicable), did they meet expected standards for overall quality and completeness?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Did the Incident Commander's review properly capture and describe the facts and circumstances requiring the use of force? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
6. If controlled use of force was utilized, did you review the video recording?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Did the video recording include all the necessary information including the on-site Managers introduction and authorization for use of force? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Was the on-site Manager consulted regarding a disagreement among the collaborative team members during a controlled use of force?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Did the on-site Manager submit a CDCR Form 837-C Crime / Incident Report Part C - Staff Report detailing their involvement (DOM 51020.17.8)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. If the disagreement resulted in the contact of the Regional Administrator or the Associate Director did the on-site Manager submit a CDCR 837-C Crime / Incident Report Part C - Staff Report detailing the Regional Administrator's or Associate Director's involvement (DOM 51020.17.8)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. If chemical agents or less-lethal force were utilized in a circumstance that would require authorization from on-site Managers, Chief Deputy Warden or Warden, was that authorization obtained? (i.e. inmate <u>incarcerated person</u> at risk for decompensation, type of housing unit (<u>ASU, SHURHU</u> , etc.), deemed unable to follow direction by staff, more than four (4) chemical agent applications).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. If video recorded interview was conducted due to an allegation of excessive/unnecessary force or due to staff use of force causing Serious Bodily Injury/Great Bodily Injury, did you review the video recording?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. If there was an allegation of unnecessary or excessive force, was an adequate fact-finding completed? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Was the First Level Managers review stopped due to an investigation by the DFIT, OIA, or any other outside investigating agency? If the Review was stopped, note the date and reason why the review ceased. Continue in the Comments section if needed. (DOM 51020.19.2) Date: Reason:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Were there any actions taken by your subordinates to address deficiencies in the incident package, and if so was the action taken appropriate and proper (DOM 51020.19.2)? If no, explain in the Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Does it appear that any follow-up action is necessary to correct policy, procedure, or training violations within the guidelines of the Use of Force policy not identified earlier in the Incident Commander's Review? If yes, describe the actions taken by you to correct the apparent policy, procedure, or training violations in the Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reviewer's Name (Printed Name and Signature)	Title	Date

Manager's Review - First Level Use of Force Incidents

<i>(Complete the items below)</i>		Yes	No	N/A
14.	Based on the information/documentation received, were staff's actions prior to the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified earlier in the Incident Commanders Review, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
15.	Based on the information/documentation received, were staff's actions during the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified earlier in the Incident Commanders Review, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
16.	Based on the information/documentation received, were staff's actions following the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified earlier in the Incident Commanders Review, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	
17.	Based on the information received, I concur with the Incident Commander's Review?	<input type="checkbox"/>	<input type="checkbox"/>	

Comments: *(Use additional pages if necessary.)*

Reviewer's Name (Printed Name and Signature)	Title	Date

		REGION <input type="checkbox"/> N/A <input type="checkbox"/> NORTHERN <input type="checkbox"/> SOUTHERN	INCIDENT REPORT LOG NO.	
DIVISION/SECTION/UNIT	INCIDENT SITE/LOCATION	INCIDENT DATE	INCIDENT TIME	DISCOVERY DATE
DESCRIPTION OF INCIDENT				DATE REPORTED
<p>The following review is to be conducted by the manager of the affected area as a means to ensure that staff actions and non-deadly use of force were in compliance with Department policy, procedures, and training. Unless otherwise specified, any question checked "No" requires an explanation in the "Comments" section of this review.</p> <p>CHECK ALL THAT APPLY:</p>				
1. The supervisor's review has been reviewed?		<input type="checkbox"/> YES <input type="checkbox"/> NO		
2. Based on the available information I concur with the supervisor's assessment and actions.		<input type="checkbox"/> Deferred - investigation pending	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3. Was this a planned use of force?		<input type="checkbox"/> YES <input type="checkbox"/> NO		
4. Was a video recorded interview conducted with the affected <u>paroleesupervised person</u> , private person, or other due to one of the following conditions:		<input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> Serious or great bodily injury <input type="checkbox"/> Allegation of unnecessary or excessive force				
a. Did the supervisor conduct a video recorded interview with the affected <u>paroleesupervised person</u> , private person, or other?		<input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO	
b. Did you review the video recording?		<input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO	
5. Was all applicable documentation completed and received in a timely manner?		<input type="checkbox"/> YES <input type="checkbox"/> NO		
a. Were requests for additional information or clarification completed and received in a timely manner?		<input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO	
b. Were reports consistent and reflect the need for the described use of force?		<input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO	
6. Does the Field Incident Report package meet expected standards for overall quality? (e.g., clear, concise and answers who, what, where, how and, if known, why?)		<input type="checkbox"/> YES <input type="checkbox"/> NO		
7. Were staff's actions prior to the use of force in compliance with policy, procedures, and training?		<input type="checkbox"/> Deferred - investigation pending	<input type="checkbox"/> YES <input type="checkbox"/> NO	
8. Were staff's actions during the use of force in compliance with policy, procedures, and training?		<input type="checkbox"/> Deferred - investigation pending	<input type="checkbox"/> YES <input type="checkbox"/> NO	
9. Were staff's actions following the use of force in compliance with policy, procedures, and training?		<input type="checkbox"/> Deferred - investigation pending	<input type="checkbox"/> YES <input type="checkbox"/> NO	
10. Does it appear that follow-up action is necessary to correct policy, procedures, or training violations? If yes, describe the actions taken to correct the apparent policy, procedural, or training violations in the comments section (page 2):		<input type="checkbox"/> Deferred - investigation pending	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> Returned to: _____ (specify) for supplemental reports, clarification, or additional information. Date: _____ <input type="checkbox"/> Other: _____				
For clarification or additional information, complete and attach a CDCR 1662-C1, Field Incident Report: Part C1 - Supplemental Page.				
11. Did the supervisor's review properly capture and describe the need for force?		<input type="checkbox"/> YES <input type="checkbox"/> NO		
12. Were reasonable steps taken to minimize the need for/level of force used?		<input type="checkbox"/> YES <input type="checkbox"/> NO		
13. If deadly force was used, was the Office of Internal Affairs, Office of the Inspector General, and the California Correctional Peace Officers Association notified?		<input type="checkbox"/> YES <input type="checkbox"/> NO		
COMMENTS: (Use additional pages if necessary)				

INCIDENT REPORT LOG NO.

COMMENTS (Continued):

--	--	--	--

FIRST LINE MANAGER'S PRINTED NAME AND TITLE	SIGNATURE	BADGE/ID NO.	DATE

**FIELD: USE OF FORCE EXECUTIVE MANAGER'S REVIEW QUALITATIVE
EVALUATION AND ANALYSIS**

CDCR 3012-A (Rev. 07/2444/20)

REGION <input type="checkbox"/> N/A	INCIDENT REPORT LOG NO.
<input type="checkbox"/> NORTHERN	
<input type="checkbox"/> SOUTHERN	

DIVISION/SECTION/UNIT	INCIDENT SITE/LOCATION	INCIDENT DATE	INCIDENT TIME	DISCOVERY DATE
DESCRIPTION OF INCIDENT/MISCONDUCT ALLEGATION				DATE REPORTED

1. WAS THIS USE OF DEADLY FORCE? YES NO

WAS THE OFFICE OF INTERNAL AFFAIRS NOTIFIED? YES NO

WAS THE OFFICE OF THE INSPECTOR GENERAL NOTIFIED? YES NO

WAS THE CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION NOTIFIED? N/A YES NO

COMMENTS:

2. IS THERE AN ONGOING INTERNAL OR EXTERNAL INVESTIGATION? YES NO

COMMENTS:

3. WHAT STEPS WERE TAKEN TO AVOID THE NEED FOR THE USE OF FORCE OR TO MINIMIZE THE AMOUNT OF FORCE USED?

DEFERRED - PENDING INVESTIGATION

4. STATE THE THREAT REASONABLY PERCEIVED BY THE RESPONSIBLE OFFICIALS:

DEFERRED - PENDING INVESTIGATION

5. STATE THE NEED FOR THE APPLICATION OF FORCE:

DEFERRED - PENDING INVESTIGATION

6. STATE THE RELATIONSHIP BETWEEN THE NEED FOR THE USE OF FORCE AND THE AMOUNT OF FORCE USED:

DEFERRED - PENDING INVESTIGATION

**FIELD: USE OF FORCE EXECUTIVE MANAGER'S REVIEW QUALITATIVE
EVALUATION AND ANALYSIS**

CDCR 3012-A (Rev. 07/2444/20)

INCIDENT REPORT LOG NO.

7. STATE THE EXTENT OF ANY INJURIES SUSTAINED BY THE INDIVIDUAL PAROLEE/PRIVATE CITIZEN AS A RESULT OF THE USE OF FORCE:

DEFERRED - PENDING INVESTIGATION

8. WERE STAFF ACTIONS PRIOR TO THE USE OF FORCE IN COMPLIANCE WITH DEPARTMENTAL STANDARDS AND POLICY? YES NO

DEFERRED - PENDING INVESTIGATION

9. WERE STAFF ACTIONS DURING THE USE OF FORCE IN COMPLIANCE WITH DEPARTMENTAL STANDARDS AND POLICY? YES NO

DEFERRED - PENDING INVESTIGATION

COMMENTS:

10. WERE STAFF ACTIONS AFTER THE USE OF FORCE IN COMPLIANCE WITH DEPARTMENTAL STANDARDS AND POLICY? YES NO

DEFERRED - PENDING INVESTIGATION

COMMENTS:

11. WERE CORRECTIVE ACTIONS TAKEN? YES NO

DEFERRED - PENDING INVESTIGATION

12. IS FURTHER ACTION WARRANTED? YES NO

DEFERRED - PENDING INVESTIGATION

COMMENTS:

EXECUTIVE MANAGER'S PRINTED NAME AND TITLE	SIGNATURE	BADGE/ID NO.	DATE

Inmate Incarcerated Person Interview for GBI and SBI Worksheet

Per DOM 51020.17.3, a Custody Supervisor shall conduct a video recorded interview with the inmate when either of the following conditions exists:

- 1) The inmate incarcerated person has sustained Great Bodily Injury or Serious Bodily Injury that could have been caused by a staff use of force.
- 2) The inmate incarcerated person has made an allegation of unnecessary or excessive use of force.

The interview shall be conducted no later than 48 hours from discovery of the injury or allegation.

INTERVIEW FORMAT FOR GBI AND SBI:

The interview and video recording shall be conducted by a Custody Supervisor who did not use or observe the force used and was not involved in the incident. If the incident is a DA referral, you should provide/remind the inmate incarcerated person of a Miranda Admonishment prior to the interview. The location of the interview shall be conducted in a location free of outside influence, noise and distractions. The Custody Supervisor shall not interfere with the inmate's incarcerated person's ability to be interviewed. It is the responsibility of the Custody Supervisor to prepare and submit a report (CDCR 3014) to the Manager. This report shall address all reports reviewed and information gathered in relationship to the interview subject. Further, it is the responsibility of the Custody Supervisor to summarize the interview statements and the results of the fact-finding. The CDCR 3014 shall include a conclusion and make a recommendation to the Manager as to further actions to be taken.

Prior to commencing the interview, the Custody Supervisor shall ensure that a CDCR 7219 has been completed. During the interview, the Custody Supervisor shall ensure all injury(s) are captured on the video recording. The view should be close enough to accurately account for the injuries noted on the CDCR 7219. If there are injuries in view that are not noted on the CDCR 7219, cease the video recording and have the inmate incarcerated person evaluated by medical again and obtain an updated CDCR 7219. Restart the videotaped interview with the new CDCR 7219 and review all the injuries.

At the onset of the recording, the Custody Supervisor will:

<i>(Complete the items below)</i>	
1. Introduce themselves and the camera operator: Interviewer:	Camera Operator:
2. Give the date and time the interview commenced: Date:	Time:
3. Indicate to the inmate the reason for the video recorded interview: Reason:	
4. Ask inmate to give their full name and CDCR number: Name:	CDCR#:

The following questions will then be asked:

<i>(Complete the items below)</i>
1. On this date at approximately hours: You were involved in an incident which occurred at the following location:
2. This incident has been assigned CDCR Incident Log number:
3. According to the documentation provided on the CDCR 7219, you sustained an injury that lead to this interview. Please describe the injury(s):
4. In your own words, explain what happened and how you received your injuries. You need to be as <i>specific</i> as possible:
5. Can you identify staff witnesses?
6. Can you identify <u>inmate incarcerated</u> witnesses?

Custody Supervisor's Name (Printed Name and Signature)	Title	Date

Inmate Incarcerated Person Interview for Allegation Worksheet

Per DOM 51020.17.3, a Custody Supervisor shall conduct a video recorded interview with the inmate incarcerated person when either of the following conditions exists:

- 1) The inmate incarcerated person has sustained Great Bodily Injury or Serious Bodily Injury that could have been caused by a staff use of force.
- 2) The inmate incarcerated person has made an allegation of unnecessary or excessive use of force.

The interview shall be conducted no later than 48 hours from discovery of the injury or allegation.

INTERVIEW FORMAT FOR ALLEGATION OF UNNECESSARY OR EXCESSIVE FORCE:

The interview and video recording shall be conducted by a Custody Supervisor who did not use or observe the force used and was not involved in the incident. If the incident is a DA referral, you should provide/remind the inmate incarcerated person of a Miranda Admonishment prior to the interview. The location of the interview shall be conducted in a location free of outside influence, noise and distractions. The Custody Supervisor shall not interfere with the inmate's incarcerated person's ability to be interviewed. It is the responsibility of the Custody Supervisor to prepare and submit a report (CDCR 3014) to the Manager. This report shall address all reports reviewed and information gathered in relationship to the interview subject. Further, it is the responsibility of the Custody Supervisor to summarize the interview statements and the results of the fact-finding. The CDCR 3014 shall include a conclusion and make a recommendation to the Manager as to further actions to be taken.

Prior to commencing the interview, the Custody Supervisor shall ensure that a CDCR 7219 has been completed. During the interview, the Custody Supervisor shall ensure all injury(s) are captured on the video recording. The view should be close enough to accurately account for the injuries noted on the CDCR 7219. If there are injuries in view that are not noted on the CDCR 7219, cease the video recording and have the inmate incarcerated person evaluated by medical again and obtain an updated CDCR 7219. Restart the videotaped interview with the new CDCR 7219 and review all the injuries.

At the onset of the recording, the Custody Supervisor will:

<i>(Complete the items below)</i>	
1. Introduce themselves and the camera operator: Interviewer:	Camera Operator:
2. Give the date and time the interview commenced: Date:	Time:
3. Indicate to the <u>inmate incarcerated person</u> the reason for the video recorded interview: Reason:	
4. Ask <u>inmate incarcerated person</u> to give their full name and CDCR number: Name:	CDCR#:

The following questions will then be asked:

<i>(Complete the items below)</i>
1. On this date at approximately hours: You were involved in an incident which occurred at the following location:
2. This incident has/has not been assigned CDCR Incident Log number:
3. According to the documentation provided on the CDCR 7219, you sustained an injury that lead to this interview. Please describe the injury(s):
4. Do you have any other injuries?
5. In your own words, explain what happened and how you received your injuries. You need to be as <i>specific</i> as possible:
6. Can you identify staff witnesses?
7. Can you identify <u>inmate incarcerated</u> witnesses?
8. Have you filed an appeal on this issue? (Ask only if time has passed to allow the <u>inmate incarcerated person</u> to do so):

Custody Supervisor's Name (Printed Name and Signature)	Title	Date

REGION	<input type="checkbox"/> N/A	INCIDENT REPORT LOG NO.
<input type="checkbox"/> NORTHERN		
<input type="checkbox"/> SOUTHERN		

DIVISION/SECTION/UNIT	INCIDENT SITE/LOCATION	INCIDENT DATE	INCIDENT TIME	DISCOVERY DATE

If staff used force against an offender (incarcerated person, inmate, supervised person, parolee, other), private citizen(s), or other individual(s), (hereafter referred to as a "offender/private citizen"), a unit supervisor or other supervisory level employee, (hereafter referred to as "field supervisor") shall conduct a video recorded interview when one of the following criteria is met:

1. There is serious or great bodily injury.
2. There is an allegation of unnecessary or excessive use of force.

The interview shall be conducted by a field supervisor who did not use, observe or participate in the use of force incident and *no later than 48 hours from discovery of the injury or allegation unless:*

1. The incident is being investigated criminally by a local jurisdictional agency and the local jurisdictional agency has not authorized the video recorded interview.
2. The offender/private citizen is in a local jail or custody location that prohibits the use of video recording equipment. If the local jail or custody location prohibits the use of video equipment, the Field Supervisor shall still be required to interview the offender/private citizen and complete this form.

If the intent of the interview is to pursue criminal charges, the Field Supervisor shall provide the offender/private citizen a Miranda admonishment prior to the start of the interview. If the intent of the interview is for administrative purposes only, a Miranda admonishment shall not be required; however, if during the interview the Field Supervisor receives information that could result in a criminal referral to the district attorney, a Miranda admonishment shall be given to the offender/private citizen at that time.

Whenever possible, the location of the interview shall be free of outside influence, noise, and distractions. The Field Supervisor shall prepare and submit a CDCR 3014-A, Field: Use of Force Incident - Interview Findings Report, to the First Line Manager, inclusive of all reports reviewed, information gathered in relationship to the interviewed subject, summarization of interview statements, and results of the fact-finding investigation. The CDCR 3014-A shall also include a conclusion and a recommendation of further action to the manager. The Field Supervisor shall also ensure all injuries are captured on the video recording.

The following is to be used as a tool to help focus the interview. These are suggested questions for interviewers to follow. Interviewers may ask any additional, appropriate questions they deem necessary

I. Beginning the Interview

1. Field Supervisor introduces *themselves*.
2. Camera operator (if any) introduces *themselves* and states their position.
3. Field Supervisor has offender/private citizen make verbal identification and provide their CDCR number, if applicable.
4. The Field Supervisor makes and documents the determination regarding Americans with Disabilities Act (ADA) needs and/or concerns, including interpreter services.

II. Interview Format for Serious/Great Bodily Injury

Start with the following: "I will ask you specific questions and I need your answers to be as specific as possible."

1. On (date) _____, you were involved in an alleged incident that occurred at (location) _____.
2. This alleged incident has been assigned incident log number _____.
3. In your own words, as specifically as possible, explain how you received this injury (or injuries).
4. (Individual's name) _____, how many staff/individuals were present when the alleged incident occurred?
5. Can you identify the staff/individuals by name?
6. How many witnesses were present?
7. Can you identify these witnesses by name?

III. Interview Format for Allegation(s) of Unnecessary or Excessive Force Use

Start with the following: "I will ask you specific questions and I need your answers to be as specific as possible."

1. On what day did this alleged incident happen?
2. Do you have any injury(ies)?
3. Describe your injury(ies):
(Video record or photograph the injury(ies); while the offender/private citizen(s), other individual points at the injury(ies).
4. How did you receive the injury(ies)?
5. Did you go to a doctor/hospital for medical treatment of the injury(ies)?
6. What is the location and/or address where you were allegedly injured?
7. Explain who allegedly used force and exactly what happened.
8. Can you identify these witnesses by name?

INCIDENT REPORT LOG NO.

--

Request that the offender/private citizen(s) provide a written account of what transpired.

The written account must be signed and dated by the author, and also signed and dated by the witness to the writing.

IV. List Additional Questions Asked.

It is the responsibility of the Field Supervisor to complete the CDCR 3010-A, Field: Use of Force Incident - Supervisor's Review, for submission to the First Line Manager. The report shall address all reports reviewed and information gathered in relation to the interview. Further, it is the responsibility of the field supervisor to summarize the interview statements and results of the fact finding investigation. The report shall include a conclusion and recommended actions to be taken for the manager's review and evaluation.

The First Line Manager will review the CDCR 3010-A, evaluate the findings and complete a CDCR 3011-A, Field: Use of Force Incident - Manager's Review. The First Line Manager will forward the incident package to the Regional Parole Administrator (via the Regional Use of Force Coordinator), or Chief, if applicable, with a conclusion and a recommendation.

FIELD SUPERVISOR PRINTED NAME AND TITLE	SIGNATURE	BADGE/ID NO.	DATE

Report of Findings – ~~Inmate~~ Incarcerated Person Interview

INCIDENT SITE/LOCATION		INCIDENT / APPEAL / FF LOG #	
DESCRIPTION OF THE INCIDENT		INCIDENT DATE	
NAME AND TITLE OF INTERVIEWER		NAME AND TITLE OF CAMERA OPERATOR	
INMATE INCARCERATED PERSON NAME AND CDCR#	DATE OF INTERVIEW	NAME AND TITLE OF TRANSLATOR (IF UTILIZED).	

The Report of Findings shall be conducted by custodial supervisors (sergeants or lieutenants) who did not use, or observe the force used, in the incident.

INMATE INCARCERATED PERSON INTERVIEW		Yes	No	N/A
1.	Did the inmate incarcerated person refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate incarcerated person to participate. <input type="checkbox"/> <input type="checkbox"/> Name: _____ Title: _____			
2.	What is the reason for the interview? <input type="checkbox"/> Serious Bodily Injury <input type="checkbox"/> Great Bodily Injury <input type="checkbox"/> Allegation			
a. If there was an allegation, describe the allegation: <i>Description:</i>				
3.	Summarize the statements made by the inmate incarcerated person during the interview: <i>Summary:</i>			

INMATE INCARCERATED WITNESSES INTERVIEWED		Yes	No	N/A
1.	Did the inmate incarcerated person being interviewed request inmate incarcerated witnesses. If yes, fill in the information below: Inmate Incarcerated Person CDCR#: _____ Housing: _____ Date Interviewed: _____ Name: inmate Incarcerated CDCR#: _____ Housing: _____ Date Interviewed: _____ Person Name: inmate CDCR#: _____ Housing: _____ Date Interviewed: _____ Incarcerated Person Name: CDCR#: _____ Housing: _____ Date Interviewed: _____			
2.	Did inmate names refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate incarcerated person to participate: Staff Name: _____ Title: _____ Inmate _____ Staff Name: _____ Title: _____ Incarcerated _____ Staff Name: _____ Title: _____ Person Refused: _____ Staff Name: _____ Title: _____ Inmate _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Summarize the statements made by the witnesses during the interview: <i>Summary:</i> Incarcerated Person Refused: Inmate Incarcerated Person Refused: Inmate Incarcerated Person Refused.			

Report of Findings – ~~Inmate~~ Incarcerated Person Interview

REVIEW OF EVIDENCE AND CONCLUSION		Yes	No	N/A
1.	Was the injury consistent with the reported force? If no, explain in the Conclusion below.	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Check the following items that were reviewed and considered: <input type="checkbox"/> Incident Video Recording <input type="checkbox"/> Staff Reports <input type="checkbox"/> Photograph(s) <input type="checkbox"/> Use of Force Videotape <input type="checkbox"/> CDCR 7219 <input type="checkbox"/> CDCR 602 <input type="checkbox"/> Other (Describe Below)			
3.	Summarize the source of injury, other items reviewed and considered and any other circumstances regarding the allegation. Conclusion:			

ALLEGATIONS		Yes	No	N/A
1.	Check the following to indicate what items are attached with this review as it relates to the allegation: <input type="checkbox"/> Injury Video Recording <input type="checkbox"/> CDCR 7219 <input type="checkbox"/> Photograph(s) of Injury(s) <input type="checkbox"/> CDCR 602 <input type="checkbox"/> Other (Describe Below)			<input type="checkbox"/>
2.	Provide any other information not previously documented in this review regarding the allegation. Comments:			

RECOMMENDATIONS		
1.	Check the following to indicate the Custody Supervisor's recommended actions: <input type="checkbox"/> No Further Action Recommended <input type="checkbox"/> Further Action Recommended Comments:	
Custody Supervisor's Name (Printed Name and Signature)		Date
2.	Check the following to indicate the Manager's recommended actions: <input type="checkbox"/> No Further Action Recommended <input type="checkbox"/> Further Action Recommended Comments:	
Manager's Name (Printed Name and Signature)		Date
3.	Check the following to indicate the Associate Warden's recommended actions: <input type="checkbox"/> No Further Action Recommended <input type="checkbox"/> Further Action Recommended Comments:	
Associate Warden's Name (Printed Name and Signature)		Date

RELIGIOUS MEAT ALTERNATE OR RELIGIOUS KOSHER DIET AGREEMENT

Religious Meat Option Agreement: *(Check if applicable)*

RELIGIOUS MEAT ALTERNATE DIET RELIGIOUS KOSHER DIET

I understand that in order for me to participate in a Religious Meat Alternate (RMA) Diet or Religious Kosher (RK) Diet Program, specific foods may be purchased and specialized food preparation practices may be utilized. Therefore, I understand and agree to each of the following conditions as indicated by my initials below:

Incarcerated Person ~~Inmate~~ Initials

- _____ 1. I understand that if I voluntarily request to withdraw from the RMA or RK Diet Program to return to the mainline diet, I must do so in writing by completing a CDCR 3030-D Religious Diet Program Cancellation Request. I understand that I must wait for a minimum of six (6) months before requesting to be reinstated in the Religious Personal Ethical Diet (RPED) program.
- _____ 2. During meals, I will consume and possess on my food tray only those food items served as part of the RMA or RK Diet Program for which I have been approved. If, for any reason, I am not provided my specified RMA or RK meal, I shall be permitted to eat foods that are not part of the RMA or RK Diet Program and it shall not be deemed a violation of this Agreement. I will follow all CDCR policies and regulations for dining in my institution.
- _____ 3. I may not purchase, possess, or consume any food items that are not part of the RMA or RK Diet Program for which I have been approved. I understand that my quarterly packages and canteen purchases may be routinely monitored. Only food products permitted with the approved RMA or RK diet may be purchased or consumed.
- _____ 4. I will not eat from the general population diet which is in conflict with my RPED. I will not "double-back" in order to obtain a second meal, either mainline diet or religious diet.
- _____ 5. I will consistently pick up the RMA or RK meals for which I have been approved. I understand that a record will be kept indicating when I pick up my RMA or RK meals. I shall be issued a CDC 128-B as a Religious Diet Program violation if I fail to pick up my RMA or RK meal six or more times in a calendar month.
- _____ 6. I will not provide any portion of the RMA or RK meals received through the RPED Program to other incarcerated persons ~~inmates~~.
- _____ 7. I understand that should I violate any one of these conditions:
 - a. I will receive one (1) written warning, but will be allowed to continue to participate in the RPED Program.
 - b. I understand that should I violate any of these provisions a second time within (6) months from the date of the first violation, I may be removed from the RPED Program. I further understand that I must wait for a minimum of six (6) months before requesting to be reinstated in the RPED program.
- _____ 8. I understand that the Religious Review Committee (RRC), who oversees the RPED Program, shall determine whether I violated any of these provisions and the RRC may remove me from the RPED Program. the date of the second violation.

By my signature below, I acknowledge that I have read and discussed the contents of this Agreement with an institution chaplain or RRC designee. I further agree that if permitted to participate in the Religious Diet Program, I will abide by the conditions set forth in this agreement.

<u>Incarcerated Person</u> Inmate Name: <i>(Please print)</i>	CDCR #:
<u>Incarcerated Person</u> Inmate Signature:	Date:
Chaplain or RRC Chairperson or Designee: <i>(Please print)</i>	Date:
Chaplain, RRC Chairperson or Designee Signature:	

This form may not be altered in any way in order to change the meaning or expectation of the original document.

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

California Department of Corrections and Rehabilitation
RPED CARD
Incarcerated Person Inmate Name: _____
CDCR # _____

Vegetarian
 Plant-Based
 RMA
 Religious Kosher

Insert
Picture

CDCR 3030-B (Rev. 07/24 04/24)

**RELIGIOUS PERSONAL ETHICAL DIET PROGRAM
AGREEMENT- NOTICE OF NON-COMPLIANCE**
CDCR 3030-C (Rev. 07/24 04/24)

Page 1 of 1

RELIGIOUS PERSONAL ETHICAL DIET PROGRAM AGREEMENT- NOTICE OF NON-COMPLIANCE

INCARCERATED PERSON INMATE NAME:	CDCR #:	HOUSING:	DATE:
INSTITUTION:		CURRENT APPROVED RELIGIOUS DIET:	
		<input type="checkbox"/> Vegetarian <input type="checkbox"/> Plant-Based <input type="checkbox"/> Religious Meat Alternate <input type="checkbox"/> Religious Kosher	
<p>The above-named <u>incarcerated person inmate</u> has been consulted regarding his/her violation of the Religious Personal Ethical Diet (RPED) Program Agreement as reported in Form CDC 128-B, General Chrono, dated _____ . The <u>incarcerated person inmate</u> violated their RPED Program Agreement in the following manner: <i>(Please be specific)</i></p>			
1st NOTICE OF NON-COMPLIANCE			
<p>DATE: _____ The <u>incarcerated person inmate</u> will be permitted to continue participation in the RPED Program.</p> <p>_____ NOTICE TO INCARCERATED PERSON INMATE: Review the terms of the Vegetarian and Plant-based Diet Request and Agreement (CDCR 3030-V) or the Religious Meat Alternate or Religious Kosher Diet Agreement (CDCR 3030-V). Violation of any provision in the signed RPED Agreement within the next six (6) months may result in the <u>incarcerated person inmate</u> losing their right to participate in the RPED Program for a period of six (6) months.</p>			
COMMENTS:			
2nd NOTICE OF NON-COMPLIANCE			
<p>DATE: _____ The Religious Review Committee (RRC) has determined that the above-named <u>incarcerated person inmate</u> has not complied with one or more provisions contained in the signed Vegetarian and Plant-based Diet Request and Agreement (CDCR 3030-V) or the Religious Meat Alternate or Religious Kosher Diet Agreement (CDCR 3030-A) for a second time within a six month period. The RPED meals will be terminated for this <u>incarcerated person inmate</u> for a minimum period of six (6) months from the date of this second violation.</p> <p>Termination of the RPED meals is effective on _____. The above-named <u>incarcerated person inmate</u> will be allowed to reapply to participate in the same RPED Program six (6) months from the date of the 2nd notice of non-compliance resulting in termination.</p>			
COMMENTS:			
RRC Chairperson or Designee: (Please print)	RRC Chairperson or Designee: (Signature)	DATE:	

This form may not be altered in any way in order to change the meaning or expectation of the original document.

DISTRIBUTION: Original: C-File Copies: Incarcerated Person Inmate, RRC, CRM, IMTS

RELIGIOUS PERSONAL ETHICAL DIET CANCELLATION REQUESTCDCR 3030-D (Rev. ~~07/24/24~~)

Page 1 of 1

RELIGIOUS PERSONAL ETHICAL DIET CANCELLATION REQUEST

PART I INCARCERATED PERSON/INMATE RELIGIOUS DIET CANCELLATION REQUEST <i>(Completed by Incarcerated Person/Inmate)</i>		
<p>I am giving notice that I am withdrawing from the Religious Personal Ethical Diet (RPED) program indicated below. Please cancel my RPED meals immediately. I understand that I must wait for a period of six (6) months before I can reapply to participate in the same RPED Program.</p> <p>Cancel my RPED meals for:</p> <p style="margin-left: 100px;"> <input type="checkbox"/> Vegetarian Diet <input type="checkbox"/> Plant-Based Diet <input type="checkbox"/> Religious Meat Alternate <input type="checkbox"/> Religious Kosher Diet </p>		
INCARCERATED PERSON/INMATE NAME: <i>(Please print)</i>	CDCR #:	HOUSING:
INCARCERATED PERSON/INMATE SIGNATURE:		DATE:
PART II COMMUNITY RESOURCES MANAGER (CRM) OR DESIGNEE <i>(Completed by CRM/Designee)</i>		
DATE FORM RECEIVED:	CRM/DESIGNEE SIGNATURE:	
<input type="checkbox"/> This incarcerated person/inmate has been removed from the Religious Diet Program.		
DATE REMOVED:	CRM/DESIGNEE SIGNATURE:	
INSTITUTION:		

This form may not be altered in any way in order to change the meaning or expectation of the original document.

RELIGIOUS MEAT ALTERNATE OR RELIGIOUS KOSHER PROGRAM INTERVIEW

CDCR 3030-E (Rev. 07/24 04/24)

RELIGIOUS MEAT ALTERNATE OR RELIGIOUS KOSHER PROGRAM INTERVIEW

**NOT FOR DISTRIBUTION TO INCARCERATED PERSONS-INMATES
QUESTIONS TO BE ASKED BY A CHAPLAIN OR RELIGIOUS REVIEW COMMITTEE (RRC) DESIGNEE**

PART I INCARCERATED PERSON INMATE RELIGIOUS DIET REQUESTED

Religious Meal Option Requested (*Check one*)

- Religious Meat Alternate (RMA)** - A halal-certified meat alternate substituted at the dinner meal when meat is served. **Religious Kosher (RK)** -
- A kosher-certified diet for incarcerated persons-inmates who must adhere to kosher laws for religious purposes.

INCARCERATED PERSON INMATE NAME:

CDCR #:

DATE OF INCARCERATED PERSON INMATE INTERVIEW:

INSTITUTION:

INTERVIEWING CHAPLAIN OR RRC DESIGNEE: (*Please print*)

PART II INCARCERATED PERSON INMATE INTERVIEW QUESTIONS

1. Are you currently or have you ever been approved for a Religious Personal Ethical Diet (RPED)? No Yes
If yes, please specify which diet: RMA RK Vegetarian Plant-based
2. What is your religious affiliation, if any? _____
3. How long have you followed the teachings of this religious group? _____

4. Describe any religious activities in which you participate. _____

5. How long have you participated in these religious activities? _____
6. Are you affiliated with a religious organization in the community? If so, please list the organization and describe your participation with it. _____

7. Describe your religious needs as they pertain to food. _____

8. What are the characteristics of the religious diet you selected that meet your religious needs? _____

9. Would your religious needs be met by the mainline diet (pork free), the vegetarian diet or plant-based diet? If not, please explain. _____

10. Is there any additional information that you want CDCR to consider when assessing your request for a religious diet? If so, please explain. _____

CHAPLAIN OR RRC DESIGNEE SIGNATURE:

DATE:

This form may not be altered in any way in order to change the meaning or expectation of the original document.

RELIGIOUS MEAT ALTERNATIVE OR RELIGIOUS KOSHER DIET REQUEST

CDCR 3030-R (07/24 04/24)

PAGE 1 OF 1

RELIGIOUS MEAT ALTERNATIVE OR RELIGIOUS KOSHER DIET REQUEST**PART I - DIET REQUEST** (Completed by Incarcerated Person Inmate)**Religious Meal Option Requested:** (Check applicable)

- Religious Meat Alternate (RMA)** A halal-certified meat is substituted at the dinner meal when meat is served. **Religious Kosher (RK)** A kosher-certified diet for incarcerated persons inmates who must adhere to kosher laws for religious requirements.
- Change diet** from _____ to **Religious Meat Alternate (RMA)** **Religious Kosher (RK)**
- If disapproved, incarcerated person inmate may reapply for the same religious diet after six (6) months.
 - Incarcerated people inmates may request to change Vegetarian, Plant-Based, Religious Meat Alternate, or Religious Kosher meat programs only once in a six (6) month period.

INCARCERATED PERSON INMATE NAME: (please print)	CDCR#:	INCARCERATED PERSON'S INMATE'S SIGNATURE:	DATE:
INSTITUTION:	HOUSING:	RELIGIOUS AFFILIATION:	

COMMENTS:

ATTACH DOCUMENTATION-TO SUPPORT YOUR REQUEST (Optional)
(Incarcerated Persons Inmates Do Not Write Below This Line)

PART II - INCARCERATED PERSON INMATE INTERVIEW (Completed by Chaplain)**CHAPLAIN** (Please print):**DATE OF INCARCERATED
PERSON INMATE
INTERVIEW:**

(Check when completed)

- Canteen meat-based food purchases**
- Interview Questions** (Kosher Diet or Religious Meat Alternate diets only)
- CDCR Form 3030-A** (Reviewed and signed by incarcerated person inmate and chaplain for all religious diets)
- Approved** **Referred to Religious Review Committee (RRC) for Determination**

COMMENTS:**CHAPLAIN SIGNATURE:****DATE:****PART III - RELIGIOUS REVIEW COMMITTEE REFERRAL** (Completed by RRC)

- Review of interview questions and chaplain comments**
- Review of incarcerated person inmate supporting documents** (if supplied)
- Review of additional documentation supplied by staff** (e.g., *Quarterly Package, Canteen Draw, etc.*)

Date reviewed by RRC: **Approved** **Disapproved****COMMENTS:**

RRC CHAIR OR DESIGNEE (please print)	RRC CHAIR OR DESIGNEE SIGNATURE:	DATE:
---	---	--------------

This form should not be altered in any way in order to change the meaning or expectation of the original document.

DISTRIBUTION: Original: C-File Copies : incarcerated person inmate, RRC, CRM, IMTS

VEGETARIAN AND PLANT-BASED DIET REQUEST AND AGREEMENT

CDCR 3030-V 07/24 (04/24)

VEGETARIAN AND PLANT-BASED DIET REQUEST AND AGREEMENT

PART I – DIET REQUEST AND AGREEMENT (Completed by Incarcerated Person/Inmate)

Meal Diet Option Requested: *(Check applicable)*

- Vegetarian** A vegetarian meal containing a vegetarian protein alternative(s), often from that same day's scheduled meal. Vegetarian meals contain plant-based foods and may include dairy, eggs, and seafood.
- Plant-Based Diet** A plant-based meal containing no meat, poultry, dairy, eggs, or animal products or byproducts.
- Change diet from** _____ **to** **Vegetarian** **Plant-Based Diet**

Inmate/Incarcerated persons may request to change Vegetarian, Plant-Based, or Religious Meat Alternate, or Religious Kosher meal programs only once in a six (6) month period.

I understand in order for me to participate in a Vegetarian or Plant-Based Diet Program, CDCR must purchase specific foods, and specialized food preparation practices may be utilized. Therefore, I understand and agree to each of the following provisions as indicated by my initials below:

~~Inmate~~ Incarcerated person
Initials:

1. I understand if I voluntarily request to withdraw from the Vegetarian or Plant-Based Diet Program to return to the mainline diet, I must do so in writing by completing a CDCR 3030-D Religious Diet Program Cancellation Request. I understand I must wait a minimum of six (6) months before requesting to be reinstated on the Religious Personal Ethical Diet (RPED) program.
2. During meals, I will consume and possess on my food tray only those food items served as part of the Vegetarian or Plant-Based Diet Program for which I have been approved. If, for any reason, I am not provided my specified vegetarian or plant-based diet meal, I shall be permitted to eat foods not part of the vegetarian or plant-based diet meal and it shall not be deemed a violation of this Agreement. I will follow all CDCR policies and regulations for dining in my institution.
3. I will not consume food from the general population diet, which is in conflict with my vegetarian or plant-based diet. I will not "double-back" in order to obtain a second meal, either general population or diet or RPED.
4. I will not provide any portion of my vegetarian or plant-based diet meals received through the Vegetarian or Plant-Based Diet Program to other inmates.
5. I understand should I violate any one of these provisions.
 - a. I will receive one (1) written warning, but will be allowed to continue to participate in the Vegetarian or Plant-Based Diet Program.
 - b. I understand should I violate any of these provisions a second time within (6) months from the date of the first violation, I may be removed from the Vegetarian or Plant-Based Diet Program. I further understand I may reapply for the RPED program six (6) months from the date of the second violation.
6. I understand the Religious Review Committee (RRC), who oversees the Vegetarian and Plant-Based Diet Program, shall determine whether I violated any of these provisions. The RRC may remove me from the Vegetarian or Plant-Based Diet Program.

By my signature below, I acknowledge I have read the contents of this Agreement. I further agree I will abide by the conditions set forth in this agreement.

INCARCERATED PERSON/INMATE NAME: <i>(please print)</i>	CDCR#:	HOUSING:	INCARCERATED PERSON/INMATE'S SIGNATURE:	DATE:
--	---------------	-----------------	--	--------------

(Inmates/Incarcerated Persons Do Not Write Below This Line)

PART II – APPROVAL DETERMINATION (Completed by RRC Chairperson or Designee)

<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED Incarcerated person/Inmate has not completed six (6) month waiting period from last diet withdrawal or removal. Incarcerated person/Inmate may reapply on _____ (date).
RRC CHAIR OR DESIGNEE <i>(please print)</i>	RRC CHAIR OR DESIGNEE SIGNATURE:
	DATE:

This form should not be altered in any way in order to change the meaning or expectation of the original document.

IERC Use of Force Review & Further Action Recommendation

INCIDENT SITE/LOCATION	INCIDENT LOG #
DESCRIPTION OF THE INCIDENT	INCIDENT DATE

The following review will be completed as a result of the Institutional Executive Review Committee reviewing all uses of force and every allegation of excessive or unnecessary force.

<i>(Check all that apply)</i>					
1. Identify the conduct requiring the application of force (Battery on an Inmate <u>Incarcerated Person</u> , Riot, Battery on Staff w/ Weapon, etc.)? Conduct:					
2. Identify necessary and reasonable purpose for the application of force: <input type="checkbox"/> Subdue an attacker <input type="checkbox"/> Effect custody <input type="checkbox"/> Overcome resistance <input type="checkbox"/> Gain compliance with a lawful order. Write the lawful order:					
3. Identify the force option(s) utilized: <input type="checkbox"/> Physical strength and holds <input type="checkbox"/> Hand-held batons <input type="checkbox"/> X-10 (w/o OC) <input type="checkbox"/> X-10 (w/ OC) <input type="checkbox"/> Chemical agents: <i>Type / Projector / # Deployed and Length of Applications:</i> _____ _____ <input type="checkbox"/> Less-lethal weapons: <i>Model / Round / # Deployed:</i> _____ <input type="checkbox"/> Firearms: <i>Model / Caliber / # rounds fired:</i> _____ <input type="checkbox"/> Non-Conventional Force: <i>Specify item and how used:</i> _____					
4. Identify the circumstances in which force was applied? <input type="checkbox"/> Controlled - Go to #5 <input type="checkbox"/> Immediate - Go to #6					
<i>(Complete items below if Controlled Use of Force)</i>			Yes	No	N/A
5. Controlled Use of Force. If 5 is marked "N/A" then 5(a-l) can be left blank.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
a. Was a manager present at the incident site? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Was an appropriate cool down period afforded before force was used and the start time and duration documented in the CDCR 837-A1? If so, indicate start time and approximate duration of cool down period. Start Time: Duration: hours minutes	<input type="checkbox"/>	<input type="checkbox"/>			
(1) Were all other aspects of the cool down period handled appropriately? (i.e. Clinical Intervention, all disciplines in agreement with ending, other intervention options taken or needed, etc.) If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Was the tactical plan finalized based on a collaborative effort and approved by the on-site Manager? (If it was necessary to have the plan authorized at a higher level, explain level of approval in Comments section.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Did the review of the inmate's <u>incarcerated person's</u> Unit Health Record (UHR) for medical conditions indicate an increased risk for a potential adverse outcome resulting from the use of force? If so, indicate in the Comments section what determination was made regarding force options used.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Were chemical agents deployed appropriately including appropriate distance, number deployed, duration of exposure and duration of break(s) between deployments and appropriate housing considerations (i.e. MHCB, PIP, OHU, PSU, or an ASU-EOP Hub)? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. If chemical agents were used, were appropriate decontamination efforts made? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
g. Were holding cells used appropriately? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
h. Was appropriate medical attention provided to inmate(s) <u>incarcerated person(s)</u> by licensed nursing staff? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
i. Did the incident include a weapons possession?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

IERC Use of Force Review & Further Action Recommendation

<i>(Complete items below)</i>		Yes	No	N/A
j.	Were Impact Munitions used appropriately including consideration if the <u>inmate incarcerated person</u> met the criteria requiring Warden or Chief Deputy Warden (not AOD per DOM 51020.14.2) approval for use of impact munitions (i.e., housed in MHCB, PIP, OHU, PSU, or an ASU-EOP Hub, or lack the ability to understand orders)? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Were staff equipped with the appropriate amount of extraction equipment issued to staff based on the type of housing the extraction took place based on DOM 51020.12.2?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Did you review the video recording of the controlled use of force?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	If chemical agents used, were decontamination procedures adhered to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	If in-cell decontamination of OC is recommended, was licensed nursing staff there to advise the <u>inmate incarcerated person</u> how to self-decontaminate and the importance of decontamination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	If staff's use of force resulted in death, SBI, or GBI, was timely notification made to the OIG and OIA? If no, please explain in the Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	If one of the following conditions exists, a video recorded interview with the affected <u>inmate(s) incarcerated person(s)</u> within 48 hours. Check the applicable condition(s).	<input type="checkbox"/>		
	GBI or SBI as a result of staff's use of force.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Allegation of unnecessary or excessive force.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	Was a video interview conducted? If an interview was not conducted within the 48 hours, explain in the Comments section. If 8 is marked "N/A" then 8(a-h) can be marked N/A.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	How was the allegation made? <input type="checkbox"/> Verbal <input type="checkbox"/> Written	<input type="checkbox"/>		
c.	If the <u>inmate incarcerated person</u> declined to participate in the video interview, was the refusal video recorded?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Did you review the video recording of <u>inmate incarcerated person</u> interview or refusal to interview?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Were introductions for Camera Operator and Custody Supervisor recorded?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Was the Custody Supervisor performing the video interview not involved in the incident?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Were the <u>inmate's incarcerated person's</u> injuries video recorded close enough and accurately enough to view and assess?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Did the video recorded injuries match the injuries documented on the CDCR 7219?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)	If (h) is no, was a subsequent video recorded with the updated CDCR 7219 speaking to the discovery of previously undocumented injuries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Were all applicable reports received (CDCR 837-C and CDCR 7219) from all identified staff (including medical staff) involved in this incident prior to the end of their shift? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	Were all staff reports reviewed for quality, accuracy, and content, including if applicable, the Report of Finding- <u>Inmate Incarcerated Person</u> Interview (CDCR 3014)? (DOM 51020.19.4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Did staff's reports accurately and thoroughly describe the force used and the <u>inmate's incarcerated person's</u> action that required the use of force? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	If there were requested clarifications (CDCR 837-C2 Crime/Incident Report Part C2 – Review Notice) based on staff's documented use of force, were the clarifications submitted in a timely fashion? (DOM 51020.19.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Were injuries caused from the use of force consistent with the force documented in staff reports? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Was the review stopped at any time due to an investigation by the DFIT, OIA, or any other outside investigating agency? If so, explain in the Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> N/A Comments for Review And Follow Up: Use the space below to explain any responses above that fail to meet departmental requirements.				

IERC Use of Force Review & Further Action Recommendation

FORCE USED	Yes	No	N/A
1. Was the force reasonable and necessary given the circumstances? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. When circumstances indicated force was no longer needed, was force discontinued? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Was the application of force within policy? If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> N/A <i>Comments for Force Used: If the responses to any questions above is, "NO" explain below</i>			

ACTIONS TAKEN	Yes	No	N/A
1. Based on the information/documentation received, staff's actions prior to the use of force were in compliance with the Use of Force policy, procedure, and training. If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Based on the information/documentation received, staff's actions during the use of force were in compliance with the Use of Force policy, procedure, and training. If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Based on the information/documentation received, staff's actions following the use of force were in compliance with the Use of Force policy, procedure, and training. If no, explain in Comments section.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Were there appropriate critiques of the incident package by Incident Commander, First Level Manager and Second Level Manager?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> N/A <i>Comments for Actions Taken: Use the space below to explain why staff's actions were not in compliance with the Use of Force policy, procedure and training.</i>			

USE OF FORCE COORDINATOR FURTHER ACTION RECOMMENDATIONS
<input type="checkbox"/> N/A <i>Use of Force Coordinator Further Action Recommendations: Use the space below to explain any recommended improvements within the Use of Force policy, procedure and training.</i>

IERC Use of Force Review & Further Action Recommendation

ADDITIONAL INQUIRY		Yes	No	N/A
1. Sent to Second Level Manager for additional information. Note date sent to Second Level Manager and date returned in Comments below. Date Sent: _____ Date Returned: _____	<input type="checkbox"/>	<input type="checkbox"/>		
2. Further Investigation Ordered. Note date Investigation ordered and date returned in Comments below. Date Ordered: _____ Date Returned: _____	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Unit Level Investigation <input type="checkbox"/> Internal Affairs Investigation <input type="checkbox"/> OCS <input type="checkbox"/> DFRB				
a. Investigative Results:				
<input type="checkbox"/> No Finding <input type="checkbox"/> Exonerated <input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded <input type="checkbox"/> Not Substantiated				
<input type="checkbox"/> N/A <i>Comments for Additional Inquiry: Use the space below to explain any additional inquiries made as a result of this Use of Force incident.</i>				

SUBSEQUENT ACTION		Yes	No	N/A
SUBSEQUENT ACTION: Use the items below to indicate what type, if any, subsequent action was taken				
1. Progressive Discipline taken by Unit Staff. Describe actions taken in Comments section below.	<input type="checkbox"/>	<input type="checkbox"/>		
2. Recommended Adverse Action. Describe actions taken in Comments section below.	<input type="checkbox"/>	<input type="checkbox"/>		
3. IERC Recommended Subsequent Action. Describe actions taken in Comments section below: <input type="checkbox"/> Procedure Revision <input type="checkbox"/> Progressive Discipline	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> N/A <i>Comments for Subsequent Action: Use the space below to explain any subsequent action taken as a result of this Use of Force incident.</i>				

Date of Initial Review	Date of Interim Review	Date of Final Executive Review
Preparer's Name (Printed Name and Signature)	Title	Date
Approved By (Printed Name and Signature)	Title	Date

Institutional Executive Review Committee (IERC) Critique and Qualitative Evaluation

INCIDENT SITE/LOCATION	INCIDENT LOG #
DESCRIPTION OF THE INCIDENT	INCIDENT DATE

The following review will be completed as a result of the Institutional Executive Review Committee reviewing all uses of force and every allegation of excessive or unnecessary force.

<i>(Complete the items below)</i>	Yes	No	N/A
1. Identify the necessary and reasonable purpose for the application of force. <i>Purpose for Use of Force:</i>			
2. What steps were taken to avoid or minimize the need for the force used? <i>Steps Taken:</i>			
3. Did the inmate <u>incarcerated person</u> receive any injuries as a result of staff's use of force?	<input type="checkbox"/>	<input type="checkbox"/>	
a. If the Use of Force resulted in SBI/GBI, death or allegation of excessive/unnecessary force, describe the injuries due to the use of force. <i>Description of Injuries:</i>			
4. Were all clarifications related to staff's use of force completed accurately and in a timely fashion? <i>Comments:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. If there was an allegation of unnecessary or excessive force or any other investigation undertaken, was an adequate fact-finding completed? If no, and not already identified by a previous level of the review process, explain in this Comments section. <i>Comments:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Were appropriate and proper actions taken by your subordinates to address deficiencies in the incident package (DOM 51020.19.2)? If no, and not already identified by a previous level of the review process, explain in this Comments section. <i>Comments:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Based on the information/documentation received, were staff's actions prior to the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified by a previous level of the review process, explain in this Comments section. <i>Comments:</i>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Based on the information/documentation received, were staff's actions during the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified by a previous level of the review process, explain in this Comments section. <i>Comments:</i>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Based on the information/documentation received, were staff's actions following the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified by a previous level of the review process, explain in this Comments section. <i>Comments:</i>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Does it appear that any follow-up action is necessary to correct policy, procedure, or training violations within the guidelines of the Use of Force policy not identified in the earlier reviews? If yes, describe the actions taken by you to correct the apparent policy, procedure, or training violations. <i>Actions Taken:</i>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Enter any further comments or critiques: <i>Comments:</i>			

Preparer's Name (Printed Name and Signature)	Title	Date Prepared
Warden's Name (Printed Name and Signature)	Date Reviewed	

RELIGIOUS MEAT ALTERNATE (RMA) FOOD DISTRIBUTION REVIEW

CDCR 3058 (Rev. 07/24 04/24)

Page 1 of 1

RELIGIOUS MEAT ALTERNATE (RMA) FOOD DISTRIBUTION ANNUAL REVIEW FOR _____

*Name of Institution*SPECIFY FOOD PREPARATION AREA BEING REVIEWED _____
(e.g., main kitchen, satellite kitchen 1, etc.)

OVERVIEW	YES	NO	N/A	COMMENTS
Food services staff and incarcerated inmate workers have had training in food procuring, storing, distributing of CDCR RMA items within the last 12 months	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Adherence to approved CDCR RMA menu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CDCR RMA menu available for review upon request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Halal food certifications available for review upon request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
All CDCR RMA meat items have a Halal certification label on the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Procedures are in place for situations when facility/unit is on lockdown or modified program status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CDCR RMA food items are properly stored, rotated and labeled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DELIVERY	YES	NO	N/A	COMMENTS
CDCR RMA entrees being delivered at proper temperatures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HOLIDAYS	YES	NO	N/A	COMMENTS
Ramadan food item issues (e.g., shortages, storage)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RELIGIOUS DIET GRIEVANCES	YES	NO	N/A	COMMENTS
Have there been any recurring grievances (<u>Incarcerated/Supervised person-Inmate/Parolee Appeal</u>) regarding the CDCR RMA food or kitchen?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Have the issues been resolved? (If no, please briefly explain the issue.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

ADDITIONAL COMMENTS REGARDING CDCR DELIVERY OF RMA FOOD TO INCARCERATED PEOPLE INMATES

Reviewer:	Signature:
Title:	Date: (Must be complete annually prior to December 31)

SECTION 1: INMATE Incarcerated Person's INFORMATION (PRINT LEGIBLY)

NAME	CDCR NUMBER	DOB
CURRENT HOUSING/PLACEMENT		AS OF

SECTION 2: MEDICAL INFORMATION (PRINT LEGIBLY)

DIAGNOSIS
PROGNOSIS
CURRENT MEDICAL/PHYSICAL CONDITION (LIST ABILITIES AND LIMITATIONS FOR EACH ACTIVITY)
MENTAL STATUS
BREATHING
EATING
BATHING
DRESSING
TRANSFERRING
ELIMINATION
ARM USE
AMBULATION

SECTION 3: TO BE COMPLETED ONLY IF MEDICAL PAROLE REQUESTED BY INMATE'S INCARCERATED PERSON'S FAMILY MEMBER OR DESIGNEE (PRINT LEGIBLY)

REQUESTOR'S NAME:	DATE OF REQUEST:
RELATIONSHIP TO <u>INMATE INCARCERATED PERSON</u> :	

SECTION 4: CONSENT FOR RELEASE OF MEDICAL INFORMATION

CHECK ONE OF THE FOLLOWING:	
<input type="checkbox"/>	CONSENT GIVEN BY <u>INMATE INCARCERATED PERSON</u> OR <u>INMATE'S THEIR</u> AUTHORIZED REPRESENTATIVE. CDCR FORM 7385 ATTACHED.
<input type="checkbox"/>	<u>INMATE INCARCERATED PERSON</u> UNABLE TO CONSENT AND DOES NOT HAVE AN AUTHORIZED REPRESENTATIVE TO CONSENT ON HIS/HER BEHALF. CONSENT FOR RELEASE OF MEDICAL INFORMATION HAS BEEN REQUESTED THROUGH THE COURT.

PRINT OR TYPE CPHCS PRIMARY CARE PHYSICIAN'S NAME	CPHCS PRIMARY CARE PHYSICIAN'S SIGNATURE	DATE/TIME
---	--	-----------

INMATE'S INCARCERATED PERSON'S NAME	CDCR NUMBER
--	--------------------

SECTION 5: ELIGIBILITY APPROVALS (PRINT LEGIBLY)

FOR INSTITUTION CHIEF MEDICAL OFFICER (CMO)/CHIEF MEDICAL EXECUTIVE (CME) COMPLETION:			
MEDICALLY ELIGIBLE?	COMMENTS:		
<input type="checkbox"/> Yes <input type="checkbox"/> No			
PRINT OR TYPE CMO/CME NAME	CMO/CME SIGNATURE	DATE	
FOR CLASSIFICATION AND PAROLE REPRESENTATIVE (C&PR) COMPLETION:			
STATUTORILY ELIGIBLE?	IF NO, CHECK REASON:		
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> LWOP <input type="checkbox"/> CONDEMNED		
IF INMATE INCARCERATED PERSON IS STATUTORILY ELIGIBLE, ATTACH THE FOLLOWING DOCUMENTS TO THIS FORM AND RETURN TO CHIEF MEDICAL OFFICER/CHIEF MEDICAL EXECUTIVE:			
<input type="checkbox"/> COUNTY OF LAST LEGAL RESIDENCE:			
<input type="checkbox"/> AOJ	<input type="checkbox"/> POR	<input type="checkbox"/> LSS	<input type="checkbox"/> ISRS
MOST RECENT 128-G W/ INMATE'S INCARCERATED PERSON'S CASE FACTORS		<input type="checkbox"/> CII NUMBER	
<input type="checkbox"/> VICTIM NOTIFICATION(S) ON FILE (IF YES, CHECK BOX)			
PRINT OR TYPE C&PR NAME	C&PR SIGNATURE	DATE	

SECTION 6: PLACEMENT PLAN APPROVALS (PRINT LEGIBLY)

FOR CALIFORNIA PRISON HEALTH CARE SERVICES (CPHCS) COMPLETION:			
PLACEMENT PLAN ACCEPTED BY			
FACILITY NAME			TELEPHONE NUMBER
FACILITY ADDRESS			
FACILITY CONTACT NAME AND TITLE			
PRINT OR TYPE CPHCS REPRESENTATIVE NAME	CPHCS REPRESENTATIVE SIGNATURE	DATE	
FOR DIVISION OF ADULT PAROLE OPERATIONS (DAPO) COMPLETION:			
PLACEMENT PLAN APPROVED?	COMMENTS:		
<input type="checkbox"/> Yes <input type="checkbox"/> No			
SEE ATTACHED CDCR FORM 1515-MP, CONDITIONS OF MEDICAL PAROLE, FOR ANY RESTRICTIONS: <input type="checkbox"/>			
PAROLE AGENT NAME (PRINT NAME OR TYPE):	PAROLE AGENT SIGNATURE	BADGE #	
PAROLE UNIT:	TELEPHONE NUMBER:		
PAROLE UNIT SUPERVISOR (PRINT NAME OR TYPE)	PAROLE UNIT SUPERVISOR SIGNATURE	BADGE #	DATE

For CPHCS Internal Use Only:			
FUNDING/BENEFIT SOURCE		REQUEST APPROVED	DATE APPROVED:
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
PRINT OR TYPE CPHCS REPRESENTATIVE NAME	CPHCS REPRESENTATIVE SIGNATURE	DATE	

**DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLY
RECEIPT CDCR 7536 (Rev. 05/17 07/24)**

Section A (Approved DME/Medical Supply To Be Issued/Discontinued):

I have received, arrived with, or have had the following item discontinued:

DME/Medical Supply Quantity: _____
 DME/Medical Supply (if not listed in drop down): _____ Quantity: _____
 Make: _____ N/A
 Model: _____
 Serial Number: _____ N/A Size: _____ Other: _____
 Type of Order: Permanent Temporary (List Expiration Date): _____ Discontinued
 Cost of DME: Purchased - CDCR 93, Trust Account Withdrawal Order, Completed. (List Price Here): _____
 N/A Loaned One-for-One Exchange Item Discontinued
 Comments: _____

Section B:

Date of CDCR-7221-DME: _____ Ordering Provider's Name: _____

Section C:

Received DME/Medical Supply Arrived with DME/Medical Supply
 Discontinued-DME/Medical Supply Returned (Custody Informed) Discontinued-DME/Medical Supply not in possession (Custody Informed)
 Refused DME/Medical Supply PATIENT REFUSED TO SIGN RECEIPT
 (Initiate referral to provider to complete CDCR 7225, Refusal of Examination and/or Treatment, and discuss Patient Education) *WITNESS NAME/SIGNATURE REQUIRED IF PATIENT REFUSED TO SIGN RECEIPT

Patient Signature _____ Date _____
 Issuing Staff (Print Name and Title) _____ Issuing Staff Signature _____ Date _____
 Witness (Print Name and Title) _____ Witness Signature _____ Date _____

<p>1. Disability Code: <input type="checkbox"/> TABE score ≤ 4.0 <input type="checkbox"/> DPH <input type="checkbox"/> DPV <input type="checkbox"/> LD <input type="checkbox"/> DPS <input type="checkbox"/> DNH <input type="checkbox"/> DNS <input type="checkbox"/> DDP <input type="checkbox"/> Not Applicable</p>	<p>2. Accommodation: <input type="checkbox"/> Additional Time <input type="checkbox"/> Equipment <input type="checkbox"/> SLI <input type="checkbox"/> Louder <input type="checkbox"/> Basic <input type="checkbox"/> Slower <input type="checkbox"/> Other* <input type="checkbox"/> Transcribe</p>	<p>3. Effective Communication: <input type="checkbox"/> Patient asked Questions <input type="checkbox"/> Patient summed information Please check one: <input type="checkbox"/> Not Reached* <input type="checkbox"/> Reached *See chrono/notes</p>	<p>CDCR #: Last Name: _____ First Name: _____ M.I.: _____ DOB: _____ Housing: _____ Institution: _____</p>
<p>Comments: _____</p>			

Distribution: Original - Health Record; **Copies**-Patient,C&PR/RC CCIII, Assistant C&PR, ADA Coordinator, Class Action Management Unit CCII, Institutional Healthcare Compliance Analyst, R&R Property, Trust Office
 Content 360: **Event Code/Doc Type**-DME/Health Care Appliances-Scan; **Grouper**-Procedures/Interventions; **Sub Grouper**-Durable Medical Equipment
 Scanning Location: **Outpatient**; Property Receipts; Receipts-Misc; Misc\OF-Main Tab, **Inpatient**; Property Transfer Receipt, Sub Tab; Admin

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state law.

**DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLY
RECEIPT CDCR 7536 (Rev. ~~05/17~~ 07/24)**

INSTRUCTIONS

A separate CDCR 7536, Durable Medical Equipment and Medical Supply Receipt, shall be generated for each DME or Medical Supply issued. Enter identifying information about the patient and document the date the form was initiated.

Check the appropriate box if issuing or discontinuing DME/Medical Supply and fill out the associated sections.

SECTION A: Complete all areas in Section A to include in detail the quantity of DME/Medical Supply received/ discontinued.

- DME/Medical Supply: Utilize the drop down box to document the type of DME or Medical Supply. If DME/Medical Supply is not listed in drop down, list below.
 - Type in the quantity of the DME or Medical Supply.
 - Make: Document the Make of the DME or Medical Supply. If there is no Make, type Not Applicable (N/A).
 - Model: Document the Model of DME or Wheelchair (W/C). If there is no Model Number, select N/A.
 - Serial Number: Document the Serial Number of the DME or Medical Supply. If there is no Serial Number, select N/A.
 - Size: Type in the appropriate DME or Medical Supply size. For wheelchairs, the W/C seat width open (widest point) must be documented in inches.
 - Type of Order: Check the box to document the type of order of the DME or Medical Supply, i.e., Permanent, Temporary (list expiration date), or Discontinued. One box must be checked.
 - Cost of DME: Check Purchased if required. If DME/Medical Supply is not purchased, check N/A. One box must be checked. List the cost of DME if required.
- CDCR 193, Trust Account Withdrawal Order Completed. Check the box if a CDCR 193 has been completed.

SECTION B:

- CDCR 7221-DME: Staff shall document the date the CDCR 7221-DME was completed.
- Ordering Provider's Name: Staff shall document the name of the provider ordering the DME or Medical Supplies.

SECTION C: Check all appropriate boxes in Section C to properly document the patient's actions.

- Ensure one of the following five boxes is checked:
 - Received DME/Medical Supply
 - Arrived with DME/Medical Supply
 - Discontinued - DME/Medical Supply Returned
 - Discontinued - DME/Medical Supply not in possession
 - Refused DME/Medical Supply: If patient refused a DME/Medical Supply, initiate a CDCR 7225, Refusal of Examination and/or Treatment, and refer to provider to discuss Patient Education.
- Ensure patient signs the receipt. If patient refuses to sign receipt, check the box. Staff completing the form shall sign stating the patient refused the DME/Medical Supply and have an additional staff sign as a witness to the patient's refusal of the DME or Medical Supply.

The Armstrong Remedial Plan requires staff to document the use of Effective Communication (EC) when interacting with Americans with Disabilities Act of 1990 (ADA) designated patients during clinically relevant encounters. Additionally, since the standard for equally effective communication is higher when the delivery of health care is involved, and based on the critical importance of communication related to clinical encounters, staff is required to establish and document EC during all clinical encounters involving patients with a Tests of Adult Basic Education (TABE) reading score of 4.0 or less, and DPP codes of, DPH, DNH, DPS, DNS, DPV, LD, and DDP patients. All four (4) sections of the EC label must be correctly documented. Staff must document all applicable disabilities on the EC label.

Staff shall complete the patient demographic box on the bottom right of Section C to include patient's CDCR number, Last Name, First Name, Date of Birth (DOB), Middle Initial (MI), Housing, and Institution.

DISTRIBUTION: Original-HIM: to be scanned into the electronic health record; **Copies:** Patient; C&PR/RC CCIII; Assistant C&PR; ADA Coordinator: to be entered into SOMS; Class Action Management Unit CCII: to be retained for future records; Institutional Health Care Compliance Analyst: to be retained for future records; R&R: Property to be placed on a CDCR-160-H, ~~Incarcerated Person~~ Immediate Property Control Card; Trust Office: to ensure the cost of the DME is deducted from the patient trust, if applicable.

ADMINISTRATION OR DECLINATION OF COCCIDIOIDOMYCOSIS SCREENING

CDCR 7551 (04/16 07/24)

Patient Name (Print): _____ CDCR #: _____ Institution: _____

Part A: ADMINISTRATION CONSENT

As an incarcerated person ~~inmate~~ while in custody in California, I am at risk for contracting Coccidioidomycosis (cocci). I have read or been read to, the **Coccidioidomycosis (Valley Fever) Questions and Answers** patient education information provided by the California Correctional Health Care Services (CCHCS) and understand the information that was given to me. I was also allowed the opportunity to ask questions. I am aware that CCHCS provides the cocci skin test (CST) free of charge to me and recommends that I obtain this skin test.

I accept the cocci skin test (CST) Patient Name (Print): _____ Date: _____ Time: _____

Patient Signature: _____ CHECK IF PATIENT REFUSES TO SIGN

Part B: DECLINATION STATEMENT

As an incarcerated person ~~inmate~~ while in custody in California, I am at risk for contracting Coccidioidomycosis (cocci). I have read or been read to, the **Coccidioidomycosis (Valley Fever) Questions and Answers** patient education information provided by the California Correctional Health Care Services (CCHCS) and understand the information that was given to me. I was also allowed the opportunity to ask questions. I am aware that CCHCS provides the cocci skin test (CST) free of charge to me and recommends that I obtain this skin test, but I choose not to have the CST for personal or medical reasons. I understand the risks associated for my declination to be tested for cocci.

I have read and fully understand the information on this declination form.

I decline CST at this time. I reserve the option to change my mind and receive the test at a later date, using the CDC 7362, Health Care Services Request Form.

Patient Name (Print): _____ Date: _____ Time: _____

Patient Signature: _____ CHECK IF PATIENT REFUSES TO SIGN

HEALTH CARE STAFF WITNESSES (IF PATIENT REFUSED TO SIGN FOR EITHER PART A OR B)

Print Name of Witness 1: _____ Print Name of Witness 2: _____

Signature of Witness 1: _____ Date: _____ Time: _____

Signature of Witness 2: _____ Date: _____ Time: _____

<p>1. Disability Code: <input type="checkbox"/> TABE score ≤ 4.0 <input type="checkbox"/> DPH <input type="checkbox"/> DPV <input type="checkbox"/> LD <input type="checkbox"/> DPS <input type="checkbox"/> DNH <input type="checkbox"/> DNS <input type="checkbox"/> DDP <input type="checkbox"/> Not Applicable</p>	<p>2. Accommodation: <input type="checkbox"/> Additional time <input type="checkbox"/> Equipment <input type="checkbox"/> SLI <input type="checkbox"/> Louder <input type="checkbox"/> Slower <input type="checkbox"/> Basic <input type="checkbox"/> Transcribe <input type="checkbox"/> Other*</p>	<p>3. Effective Communication: <input type="checkbox"/> Patient asked questions <input type="checkbox"/> Patient summed information Please check one: <input type="checkbox"/> Not reached* <input type="checkbox"/> Reached *See chrono/notes</p>	<p>CDCR #: Last Name: First Name: MI: DOB: Housing:</p>
<p>4. Comments: _____</p>			

Distribution: Original - Health Record, Copy - Patient
 Content 360: Public Health-Grouper, Cocci-Sub-Grouper
 Scanning Location: Public Health tab, Cocci Sub-tab

**California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs, and Parole
Chapter 1 Rules and Regulation of Adult Operations and Programs**

Article 1. Behavior

Section 3000 is amended to incorporate in alphabetical order the following, and all other text within this section remains the same.

3000. Definitions.

Enhanced Alternative Custody Program (EACP) means a voluntary program that allows eligible ~~inmates~~ incarcerated persons to serve their sentence in the community in lieu of confinement in a state prison, consisting of restriction to a Female Community Reentry Program (FCRP), Male Community Reentry Program (MCRP), or Community Participant Mother Program (CPMP), during the hours designated by the department.

Immediate Family Members [remains unchanged]

Incarcerated Person means a person under the jurisdiction of the Secretary and not paroled.

Incarcerated Person Match means a one-on-one match of a citizen volunteer and an incarcerated person who receives few or no visits to establish a relationship which encourages positive behavior and programming.

Indigent Incarcerated Person [remains unchanged]

~~Inmate means a person under the jurisdiction of the Secretary and not paroled. Inmate and prisoner are synonymous terms.~~

~~Inmate Match means a one-on-one match of a citizen volunteer and an inmate who receives few or no visits to establish a relationship which encourages positive inmate behavior and programming.~~

Parole Violator [remains unchanged]

~~Parolee means an offender placed on supervised or non-revocable parole by the department.~~

~~Parolee at Large means an absconder from parole supervision, who is declared a fugitive by the parole authority suspending parole.~~

Subcontractor [remains unchanged]

Supervised Person means an offender placed on supervised or non-revocable parole by the department.

Supervised Person at-Large means an absconder from parole supervision, who is declared a fugitive by the parole authority suspending parole.

NOTE: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 3411, 3414, 5058, 5058.3, 6252, and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 6250, 6250.5, 6258.1, 7000 et seq., 7286.5, 11180 and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5,

Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; *Madrid v. Cate* (USDC ND Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

Article 6.3 and Section 3074.3 were repealed in matter no. 2024-0508-06S and are removed from this action.

Article 6.8. Community Based Programs

Section 3078.1 is amended to read:

3078.1. Alternative Custody Program and Enhanced Alternative Custody Program General Policy.

(a) An Alternative Custody Program (ACP) is a voluntary alternative custody program that allows eligible ~~inmates~~ incarcerated persons to serve their sentence in the community in lieu of confinement in state prison.

Subsections 3078.1(a)(1) through 3078.1(a)(1)(C) remain unchanged.

(b) An Enhanced Alternative Custody Program (EACP) is a voluntary alternative custody program that allows eligible ~~inmates~~ incarcerated persons to serve the remainder of their sentence in a community facility administered by the Division of Rehabilitative Programs in lieu of confinement in a state prison.

Subsections 3078.1(b)(1) through 3078.1(d) remain unchanged.

(c) ~~Inmates~~ Incarcerated persons released for placement in the ACP or ECP shall be subject to applicable rules and regulations governing ~~inmates~~ incarcerated persons pursuant to the California Code of Regulations, Title 15, Division 3.

NOTE: Authority cited: Sections 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code. Reference: Sections 1170.05, 5054, and 6253, Penal Code; and *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.

Section 3078.2 is amended to read:

3078.2. Alternative Custody Program and Enhanced Alternative Custody Program Eligibility Criteria.

(a) To be eligible to participate in the Alternative Custody Program (ACP) or Enhanced Alternative Custody Program (EACP), the ~~inmate~~ incarcerated person must volunteer.

(b) The ~~inmate~~ incarcerated person shall be housed in an EACP facility and have no more than 12 months and no less than 45 days left to serve at the time of placement into the ACP.

(c) The ~~inmate~~ incarcerated person shall have no more than 32 months and no less than 60 days left to serve at the time of placement into the Male Community Reentry Program (MCRP) or Female Community Reentry Program (FCRP).

(d) The ~~inmate~~ incarcerated person shall have no more than six years and no less than 90 days left to serve at the time of placement into the Community Participant Mother Program (CPMP).

(e) The ~~inmate~~ incarcerated person shall not meet any of the exclusionary criteria as provided for in section 3078.3, for the ACP, the Male Community Reentry Program (MCRP) or the Female Community Reentry Program (FCRP), or in section 3078.9 for the Community Participant Mother Program (CPMP).

NOTE: Authority cited: Sections 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code. Reference: Sections 1170.05, 5054, 6258.1, and 6253, Penal Code; and *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.

Section 3078.3 is amended to read:

3078.3. Alternative Custody Program, Male Community Reentry Program, and Female Community Reentry Program Exclusionary Criteria.

Subsections 3078.3(a) through 3078.3(a)(4) remain unchanged.

(5) History of escape within the last 10 years from a facility while under juvenile or adult custody, including, but not limited to any detention facility, camp, jail, or state prison facility or ~~inmates~~ incarcerated persons that have been reviewed for escape and have been assessed an administrative determinant of ESC, as provided in subsection 3375.2(b)(9).

Subsections 3078.3(a)(6) through 3078.3(b) remain unchanged.

(1) The ~~inmate~~ incarcerated person has not satisfactorily complied with rules and regulations while in custody or on parole.

Subsections 3078.3(b)(2) through 3078.3(c)(2) remain unchanged.

(3) A history of escape within the last 10 years from a facility while under juvenile or adult custody, including, but not limited to any detention facility, camp, jail, or state prison facility; or ~~inmates~~ incarcerated persons that have been reviewed for escape and have been affixed with an administrative determinant of ESC, as provided in subsection 3375.2(b)(9).

(4) Felony detainer inquiry or active felony hold, warrant, or detainer. ~~Inmates-Incarcerated~~ persons with a detainer inquiry or active hold based solely on their immigration status shall not be precluded from placement in a MCRP.

Subsections 3078.3(c)(5) through 3078.3(c)(9) remain unchanged.

(10) A current requirement for Level IV 180-design housing as provided by subsection 3375.1(a)(4)(A). ~~Inmates~~ Incarcerated persons housed in 180-design facilities who are eligible for 270-design housing are not excluded from MCRP.

Subsections 3078.3(c)(11) through 3078.3(d)(7) remain unchanged.

(8) An administrative determinant of PUB, as provided in subsection 3375.2(b)(18). The ICC shall consider whether the ~~inmate's~~ incarcerated person's notoriety will negatively impact the program.

Subsections 3078.3(d)(9) through 3078.3(d)(10) remain unchanged.

(11) ~~Inmates~~ Incarcerated persons identified with a Disability Placement Program (DPP) designation which impacts placement.

(12) ~~Inmates~~ Incarcerated persons identified as a participant in the Developmental Disability Program (DDP).

Subsections 3078.3(d)(13) through 3078.3(e)(2) remain unchanged.

(3) A history of escape within the last 10 years from a facility while under juvenile or adult custody, including, but not limited to, any detention facility, camp, jail, or state prison facility; or inmates incarcerated persons that have been reviewed for escape and have been affixed with an administrative determinant of ESC, as provided in subsection 3375.2(b)(9).

(4) Felony detainer inquiry or active felony hold, warrant, or detainer. ~~Inmates~~ Incarcerated persons with a detainer inquiry or active hold based solely on their immigration status shall not be precluded from placement in a FCRP.

Subsections 3078.3(e)(5) through 3078.3(f)(7) remain unchanged.

(g) An ~~inmate's~~ incarcerated person's existing psychiatric or medical condition that requires ongoing care is not a basis for excluding the ~~inmate~~ incarcerated person from eligibility to participate in the ACP or EACP. ICC shall review all relevant information and determine if the ~~inmate's~~ incarcerated person's needs can be adequately met in a community facility.

NOTE: Authority cited: Sections 5058, 5058.3, 6252 and 1170.05, Penal Code. Reference: Sections 290, 667.5(c), 1170.05, 1192.7(c), 1192.8, 5054, and 6258.1, Penal Code. Section 6600(b), Welfare and Institutions Code.

Section 3078.4 is amended to read:

3078.4. Alternative Custody Program, Male Community Reentry Program, and Female Community Reentry Program Processing.

Subsection 3078.4(a) remains unchanged.

(1) Every ~~inmate~~ incarcerated person shall be afforded the opportunity to sign and submit to their assigned Correctional Counselor a CDCR Form 2234 (~~03/16~~07/24), Alternative Custody Program (ACP) Application and Voluntary Agreement, which is incorporated by reference.

(2) Upon receipt of a CDCR Form 2234, the Secretary or ~~his or her~~ their designee shall respond to the applicant within two weeks to inform the offender that the Form 2234 was received and to notify the ~~inmate~~ incarcerated person of the eligibility criteria of ACP.

(3) Preliminary screening for ACP eligibility shall be completed by the Correctional Counselor utilizing the criteria provided in section 3078.2 on a CDCR Form 2235 (~~07/23~~07/24), Alternative Custody Program Screening Form, which is incorporated by reference. Upon completion, the CDCR Form 2235 shall be forwarded to the Division of Rehabilitative Programs (DRP) for further screening.

(4) An assessment of the ~~inmate's~~ incarcerated person's predictive factors shall be completed using the California Static Risk Assessment, as provided in section 3768.1. The result of the assessment shall facilitate decisions regarding the placement, supervision and case-management of an offender in a community setting.

(5) DRP shall review the CDCR Form 2235 and other case factors to determine if the ~~inmate~~ incarcerated person is potentially eligible for ACP. The ~~inmate~~ incarcerated person shall be notified in writing of a determination of potential eligibility.

Subsections 3078.4(b) through 3078.4(b)(3) remain unchanged.

(4) The participant shall sign the CDCR Form 1516-ACP (Rev. ~~04/2007/24~~), Alternative Custody Program Requirements, which is incorporated by reference, agreeing to comply with the requirements of participation in ACP.

Subsection 3078.4(c) remains unchanged.

(1) The ITRP and all other pertinent information will be presented to the Institution Classification Committee (ICC), as provided in subsection 3376(c)(2), for program participation consideration. The ICC will consider the totality of the information along with input from the ~~inmate~~ incarcerated person prior to recommendation for ACP placement.

Subsections 3078.4(c)(2) through 3078.4(c)(4)(C) remain unchanged.

(5) Case Records functions of ~~inmates~~ incarcerated persons on ACP shall be managed by the location designated by the Director, Division of Adult Institutions.

Subsection 3078.4(c)(6) remains unchanged.

(d) For ACP cases, except as necessary to comply with any release notification requirements, the ~~inmate~~ incarcerated person shall be released to the program no later than seven business days following notice of acceptance into the program, or if this is not possible in the case of an ~~inmate~~ incarcerated person to be placed in a residential drug or treatment program or in a transitional care facility, the first day a contracted bed becomes available at the requested location.

(e) Screening and assessment for Male Community Reentry Program (MCRP) cases.

(1) Every male ~~inmate~~ incarcerated person shall be afforded the opportunity to sign and submit to their assigned Correctional Counselor a CDCR Form 2234-MCRP (Rev. 07/23), Male Community Reentry Program (MCRP) Application and Voluntary Agreement which is incorporated by reference.

Subsection 3078.4(e)(2) remains unchanged.

(3) Eligible cases shall be presented to the Institution Classification Committee (ICC), as provided in subsection 3376(c)(2), for program participation consideration. The ICC shall conduct any required case-by-case reviews and consider the totality of case factors along with input from the ~~inmate~~ incarcerated person prior to recommendation for MCRP placement.

Subsections 3078.4(e)(4) through 3078.4(f) remain unchanged.

(1) Every female ~~inmate~~ incarcerated person shall be afforded the opportunity to sign and submit to their assigned Correctional Counselor or institutional Community Beds Coordinator a CDCR Form 2234-FCRP (Rev. 10/23) Female Community Reentry Program Application and Voluntary Agreement, which is incorporated by reference.

Subsection 3078.4(f)(2) remains unchanged.

(3) Eligible cases shall be presented to the ICC, as provided in subsection 3376(c)(2), for program participation consideration. The ICC shall conduct any required case-by-case reviews and consider the totality of case factors along with input from the ~~inmate~~ incarcerated person prior to recommendation for FCRP placement.

Subsection 3078.4(f)(4) remains unchanged.

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

Section 3078.6 is amended to read:

3078.6. Alternative Custody Program and Enhanced Alternative Custody Program Return to Institution.

Subsections 3078.6(a) through 3078.6(b)(5) remain unchanged.

(6) A felony hold, warrant or detainer is received by the department after an ~~inmate~~ incarcerated person is placed in the ACP or EACP.

Subsection 3078.6(b)(7) remains unchanged.

NOTE: Authority cited: Sections 5058, 5058.3, 6252, 6253, and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code.

Section 3375.2 is amended to read:

3375.2. Administrative Determinants.

(a) An ~~inmate~~ incarcerated person meeting one or more of the following administrative or irregular placement conditions, known as administrative determinants, may be housed in a facility with a security level which is not consistent with the ~~inmate's~~ incarcerated person's placement score:

(1) An ~~inmate~~ incarcerated person requires an outpatient or higher degree of medical or psychiatric care at a facility specifically staffed for the type of treatment necessary.

(2) An ~~inmate~~ incarcerated person with a history of sex crimes designated in section 3377.1(b) shall not be housed in a Level I facility and shall not be assigned outside the security perimeter.

(3) An ~~inmate~~ incarcerated person with a history of arson shall not be housed in a facility constructed primarily of wood.

(4) An ~~inmate~~ incarcerated person with a felony detainer inquiry or active felony hold, warrant, detainer, or the equivalent thereof filed with the department who is likely to receive a significant period of consecutive incarceration, shall not be housed in a Level I facility without perimeter gun towers. ~~Inmates~~ Incarcerated persons with a detainer inquiry or active hold based solely on their immigration status shall not be precluded from placement in any departmental program or service, including security-level, classification level, housing placement and Division of Rehabilitative Programs community-based reentry facilities.

(5) An ~~inmate~~ incarcerated person requires confidential placement in another correctional jurisdiction.

(6) An ~~inmate~~ incarcerated person serving a sentence of life without possibility of parole (LWOP) shall not be housed in a facility with a security level lower than Level II, except when authorized by the Departmental Review Board (DRB). Additionally, an LWOP ~~inmate~~ incarcerated person housed within a general population facility with a security level of II, III, or IV shall be housed in a facility with a lethal electrified fence as defined in section 3000.

(7) Condemned inmates shall not be housed in a facility with a security level lower than that which is authorized to house LWOP ~~inmates~~ incarcerated persons. A condemned ~~inmate~~ incarcerated person shall not be housed in a facility with a security level lower than Level II, except when

authorized by the DRB. Additionally, a condemned inmate incarcerated person housed within a general population facility shall be housed in a facility with a lethal electrified fence as defined in section 3000. Female condemned inmates incarcerated persons shall only be housed at the Central California Women's Facility.

(8) An inmate incarcerated person serving a life term with the possibility of parole shall not be housed in a non-secure facility as defined in section 3000, nor assigned to a program outside a security perimeter unless the exceptional criteria specified within this subsection have been met. Exceptions may only occur when the Board of Parole Hearings (BPH) grants parole, the release date is within three years, and the Governor's Office has completed its review and either formally approved parole or taken no action. When all three conditions are met and the inmate incarcerated person is otherwise eligible for a custody reduction, the inmate incarcerated person shall be evaluated by an ICC for the custody reduction.

(9) An inmate incarcerated person serving a life term with the possibility of parole shall be housed in a facility with a security level of II or higher, unless the exceptional criteria specified within subsections 3375.2(a)(8) or 3375.2(a)(10)(A) through 3375.2(a)(10)(I) have been met.

(10) An inmate incarcerated person serving a life term with the possibility of parole may be housed in a secure Level I facility as defined in section 3000 when all of the following criteria are met:

(A) The inmate incarcerated person has a preliminary score of 18 or less.

(B) The inmate's incarcerated person's most recent parole consideration hearing resulted in no more than a three-year denial by the BPH.

(C) The inmate's incarcerated person's most recent Comprehensive Risk Assessment, completed by a licensed psychologist employed by the BPH, identifies the inmate's incarcerated person's potential risk for future violence as low or moderate, or the inmate incarcerated person has been granted parole by the BPH.

(D) The inmate incarcerated person does not have a VIO administrative determinant currently imposed, pursuant to subsection 3375.2(b)(29).

(E) The inmate incarcerated person is not identified as a Public Interest Case as defined in section 3000.

(F) The inmate incarcerated person does not have an "R" Suffix imposed.

(G) The inmate incarcerated person does not have a history of escape or attempted escape with force from any correctional setting or armed escort, escape or attempted escape from a correctional setting with a secure perimeter as defined in section 3000, and plotting or planning to escape from a correctional setting with a secure perimeter as defined in section 3000 or from an armed escort.

(H) The inmate incarcerated person does not require Maximum or Close Custody.

(I) The inmate incarcerated person does not have a mandatory minimum score factor currently imposed which would preclude secure Level I placement. Where determined eligible for placement, the mandatory minimum score factor for "other life term" shall be removed or not imposed.

(11) An inmate incarcerated person serving a life term whose placement score is not consistent with a Level I security level shall not be housed in a Level I facility except when approved by the Departmental Review Board.

(12) An ~~inmate~~incarcerated person whose death sentence is commuted or modified shall be transferred to a reception center for processing after which an ICC action and subsequent endorsement by a CSR shall determine the ~~inmate's~~incarcerated person's initial facility placement.

(13) An ~~inmate~~incarcerated person with a case factor described in subsections 3377.2(b)(2)(A), 3377.2(b)(2)(B), or 3377.2(b)(2)(C), shall be ineligible for minimum custody. An ~~inmate~~incarcerated person with a history of one or more walkaways from non-secure settings, not to include Drug Treatment Furlough, Community Correctional Reentry Centers, and Community Reentry Programs, shall not be placed in minimum custody settings for at least ten years following the latest walkaway.

(14) A validated STG-I associate or member may be granted Minimum A or Minimum B Custody on a case-by-case basis. Designation of Minimum A or Minimum B Custody for a validated STG-I associate or member requires a review of the totality of the ~~inmate's~~incarcerated person's case factors by an ICC and a determination that their housing with such a level of custody would not pose a threat to the safety and security of the institution, ~~inmates~~incarcerated persons, staff, and public.

(b) The following three-letter codes are used to indicate those administrative or irregular placement conditions known as administrative determinants, which may be imposed by departmental officials to override the placement of an ~~inmate~~incarcerated person at a facility according to their placement score.

(1) AGE. ~~Inmate's~~Incarcerated person's youthfulness, immaturity or advanced age.

Subsection 3375.2(b)(2) remains unchanged.

(3) BEH. ~~Inmate's~~Incarcerated person's record of behavior indicates they are capable of successful placement at a facility with a security level lower than that which is consistent with their placement score. This factor shall not be used for an ~~inmate~~incarcerated person who is currently housed at a facility with a security level higher than that which is consistent with their placement score.

(4) CAM. Placement is recommended due to a shortage of camp qualified ~~inmates~~incarcerated persons.

(5) DEA. ~~Inmate~~Incarcerated person is currently or was formerly sentenced to death.

(6) DEP. Special placement ordered by the Departmental Review Board.

(7) DIS. ~~Inmate's~~Incarcerated person's disciplinary record indicates a history of serious problems or threatens the security of the facility.

(8) ENE. ~~Inmate~~Incarcerated person has one or more enemies under the department's custody or department's jurisdiction who have been documented on a CDCR Form 812 (Rev. 11/13), Notice of Critical Case Information-Safety of Persons (Non-Confidential Enemies), or on a CDC Form 812-C (Rev. 8/0407/24), Notice of Critical Information--Confidential Enemies, pursuant to section 3378. This shall also be used when it is probable that the ~~inmate~~incarcerated person may be victimized due to case factors (e.g., the nature of their offense is likely to create an enemy situation at certain facilities, current Protective Housing Unit case, and those who are natural victims because of their appearance).

(9) ESC. Unusual circumstances suggest the inmate incarcerated person is a much greater escape risk than indicated by their placement score (e.g., the inmate incarcerated person verbalized an intent to escape).

(10) FAM. Incarcerated person has strong family ties to a particular area where other placement would cause an unusual hardship.

Subsection 3375.2(b)(11) remains unchanged.

(12) LIF. Incarcerated person is serving a life sentence and requires placement in a facility with a security level higher than that indicated by their placement score.

(13) MED. Incarcerated person's medical condition requires treatment or continuing medical attention not available at all facilities.

(14) OUT. Incarcerated person requires placement at a specific facility for an out-to-court appearance. This factor shall also be used when a releasing authority appearance is nearing.

(15) POP. Shall be used only by a CSR to indicate that no beds presently exist at a facility with a security level that is consistent with the inmate's incarcerated person's placement score.

(16) PRE. The short time remaining to serve limits or otherwise influences placement or program options for the inmate incarcerated person.

(17) PSY. Incarcerated person's psychological condition requires special treatment or may severely limit placement options. This factor shall also be used for those inmates incarcerated persons who are designated as Category B.

(18) PUB. Shall be used only by a CSR to indicate an inmate incarcerated person is identified as a Public Interest Case as defined in section 3000.

(19) REH. Incarcerated person is currently endorsed to or requires transfer to a Rehabilitative Program managed by the Division of Rehabilitative Programs, as defined in section 3000, and the program is not available at a facility with a security level which is consistent with the inmate's incarcerated person's placement score.

(20) SCH. Incarcerated person is involved in an academic program which is not available at a facility with a security level that is consistent with their placement score.

(21) SEC. Shall be used only by a CSR to indicate that the inmate incarcerated person has been designated as a Security Concern by an ICC and requires Close Custody.

(22) SEX. Incarcerated person has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act which requires restricted custody or placement.

(23) SNY. Incarcerated person has documented and verified Systemic Safety Concerns.

(24) SOR. Incarcerated person's bisexual or homosexual orientation may require special placement.

(25) ST1. Security Threat Group-I (STG-I). Documentation establishes that the inmate's incarcerated person's STG-I designation may require special attention or placement consideration, while the validation remains current.

(26) ST2. Security Threat Group-II (STG-II). Documentation establishes that the inmate's incarcerated person's STG-II designation may require special attention or placement consideration, while the validation remains current.

(27) TIM. Inmate's Incarcerated person's time to serve is long, requiring placement at a facility with a security level higher than that which is consistent with their placement score.

(28) VIO. Inmate Incarcerated person has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under Penal Code (PC) section 667.5(c), a felony conviction or equivalent finding for PC section 192(b), a felony or misdemeanor conviction or equivalent finding for PC section 422 or 646.9, or a guilty finding for Division A-1 or A-2 RVR offense that is the equivalent of a PC section 667.5(c) offense which occurred on or after February 20, 2017, which, as determined by the Classification Staff Representative (CSR), requires placement in a facility with a higher security level than that indicated by their placement score. For the purpose of this subsection, an equivalent finding means any finding specified within subsections 3375.2(b)(29)(A) through 3375.2(b)(29)(C). For the purpose of this subsection, a case-by-case review for VIO means a classification committee action in which the committee conducting the review examines the totality of the inmate's incarcerated person's case factors including, but not limited to: the circumstances of the offense, extent of injury to the victim(s), rationale for committing the offense, criminal intent versus neglect, history of committing similar acts, and the safety of the public, staff, and other inmates incarcerated persons.

Subsections 3375.2(b)(28)(A) through 3375.2(b)(28)(C) remain unchanged.

(D) A VIO administrative determinant shall be applied automatically for an inmate incarcerated person with a current or prior conviction or finding as described within subsection 3375.2(b)(29) including 3375.2(b)(29)(A)--(C) for a PC section 667.5(c) offense or an equivalent conviction from another jurisdiction, unless expressly identified as requiring case-by-case review as directed within subsections 3375.2(b)(29)(F)--(I).

(E) A case-by-case review for a VIO administrative determinant as directed within subsection 3375.2(b)(29)(F)--(I) is not required when an inmate incarcerated person already has or will have an administrative determinant imposed which will permanently preclude minimum custody. Note: MED and PSY administrative determinants are not permanent exclusionary case factors.

Subsections 3375.2(b)(28)(F) through 3375.2(b)(28)(I) remain unchanged.

(J) An inmate incarcerated person who has a VIO administrative determinant imposed currently or who is determined to require review for consideration of a VIO administrative determinant pursuant to subsection 3375.2(b)(29) shall be eligible for consideration of removal of an existing VIO during the annual classification review consistent with subsection 3376(d)(2)(A), or to not have a VIO imposed initially where the following criteria is satisfied:

1. Life term inmates incarcerated persons are eligible for consideration of placement in a secure level I facility as required by subsection 3375.2(a)(9), or placement in a non-secure facility pursuant to the exceptions noted in subsection 3375.2(a)(7) and meet the additional criteria noted within subsections 3375.2(b)(29)(J)3 through 8.

2. An inmate incarcerated person serving a determinate term is within five years of their Earliest Possible Release Date (EPRD) at the time of the review for removal of the VIO administrative determinant or the review to determine whether the VIO administrative determinant is or is not required.

Subsections 3375.2(b)(28)(J)3. through 3375.2(b)(28)(J)4. remains unchanged.

Subsections 3375.2(b)(28)(J)5. through 3375.2(b)(28)(J)5.c. remains unchanged.

d. ~~Inmate's~~Incarcerated person's threat to the safety of public, staff, and ~~inmates~~incarcerated persons based upon the totality of the ~~inmate's~~incarcerated person's case factors.

Subsections 3375.2(b)(28)(J)6. through 3375.2(b)(28)(J)7. remain unchanged.

8. When a classification committee recommends VIO removal by the CSR, the classification committee shall also review the ~~inmate's~~incarcerated person's case for appropriate housing, based upon the totality of the ~~inmate's~~incarcerated person's case factors, in accordance with Article 10, Classification.

(29) VOC. ~~Inmate~~Incarcerated person is involved in a Career Technical Education program, also referred to as a vocational program, which is not available at a facility with a security level which is consistent with the ~~inmate's~~incarcerated person's placement score.

(30) WOR. ~~Inmate~~Incarcerated person has a work skill in a critical trade, which warrants special placement consideration.

NOTE: Authority cited: Sections 3600, 5058 and 5058.3, Penal Code. Reference: Sections 3450, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Wright v. Enomoto* (N.D. Cal. 1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302.

Section 3379 is amended to read:

3379. ~~Inmate~~Incarcerated Person Transfers.

(a) Transfer requirements.

(1) Unless exempted within this subsection, any ~~inmate~~incarcerated person transfer shall require a classification committee action and endorsement by a classification staff representative (CSR) or expedited transfer approval by the Chief of the Population Management Unit. A classification committee action and CSR endorsement is not required in the cases of expedited transfers warranted under emergent circumstances, including but not limited to ~~inmate~~incarcerated person medical or mental health needs and transfers from one restricted housing unit to a similar restricted housing unit. Additionally, a classification committee action is not required for an ~~inmate~~incarcerated person transfer from a reception center.

(2) An ~~inmate~~incarcerated person for whom a recall of commitment report under provisions of Penal Code Section 1170(d) is required, shall not be transferred, unless for emergency medical treatment, until the report is completed. Reception center process cases shall be excluded from this provision.

(3) Except in emergencies or for special housing, ~~inmates~~incarcerated persons shall not be transferred within 90 days of their release date, or within 90 days of a Board of Parole Hearings (BPH) appearance. If a case requires transfer within the 90-day period, the appropriate BPH report shall be completed by the sending institution prior to the transfer.

(4) A warden or superintendent may temporarily suspend a scheduled ~~inmate~~incarcerated person transfer. Such suspension shall constitute a classification action and be recorded on a chrono as

provided by section 3375(a)(2) of these regulations, including the reason for the action and a recommendation for an alternative program assignment.

(5) If an inmate incarcerated person has not transferred within 90 days of CSR endorsement, the sending institution shall report that fact to the Chief, Population Management Unit, who shall prioritize the transfer based on bed availability or present the case to the next CSR for alternative action.

(6) Transfer to another state. Transfer of a California prison inmate incarcerated person to an out-of-state prison facility shall not occur prior to the inmate incarcerated person signing a CDC Form 294, Interstate Compact Placement Agreement, witnessed by the institution head or delegate.

STATE OF CALIFORNIA
CDC 294 (REV 7/88)

DEPARTMENT OF CORRECTIONS

INTERSTATE COMPACT PLACEMENT AGREEMENT

I, _____, of my own free will and accord do hereby agree to accept transfer from an institution of the California Department of Corrections to an institution of the State of _____.

I am aware that prior to the scheduled transfer I may revoke my consent to transfer. (CCR 3379) I am aware that I may be entitled to revoke my consent and transfer to an institution within California at any time more than five (5) years after transfer. In such case, the transfer shall occur within the next 30 days.

I am aware of my right to private consultation with an attorney of my choice concerning my rights and obligations under California Penal Code Section 11191 prior to consenting to such a transfer.

I have exercised that right: Yes _____, No _____.

I waive my right to consultation with an attorney: Yes _____, No _____.

I understand that I am expected to remain in an institution within the state to which I am transferred until my release unless I am returned to California by the California Department of Corrections.

I understand that security, treatment, training and care for me will be in keeping with the standards for such programs as administered in California. I understand that my hearings for parole consideration and determination of sentence will be conducted on the same basis as if I were in a California institution.

Witness	Inmate's Signature
	CDC Number
Distribution:	
Inmate's Central File	
Transporting Officer (For the receiving institution)	

(7) Transfer to a federal prison. Transfer of a California prison ~~inmate~~incarcerated person to a federal prison facility shall not occur until:

(A) The ~~inmate~~incarcerated person has been informed of the right to private consultation with an attorney their choice concerning rights and obligations pursuant to Penal Code section 2911.

(B) The warden or superintendent or delegate has witnessed the ~~inmate~~incarcerated person's signing of a Federal Prison System Placement Agreement consent form and an acknowledgement of having been informed regarding rights and obligations.

(8) An ~~inmate~~incarcerated person may, prior to scheduled transfer, revoke their consent to transfer to out-of-state or federal prison.

(b) Placement in level. An ~~inmate~~incarcerated person endorsed for any level placement and transferred to an institution with several levels shall be placed in the endorsed level facility within 60 days of arrival or shall be referred to the next scheduled CSR for alternative action. A warden or superintendent may temporarily place an ~~inmate~~incarcerated person in a facility of an institution for which the ~~inmate~~incarcerated person has not otherwise been endorsed. Such placement shall not exceed 30 days without CSR review and approval. Reasons for such placement may include protection or medical needs of the ~~inmate~~incarcerated person, an incompletd investigation, disciplinary action, court proceedings, or a pending transfer.

STATE OF CALIFORNIA	DEPARTMENT OF CORRECTIONS
CDCR 802 (REV 7/88 07/24)	

FEDERAL PRISON SYSTEM PLACEMENT AGREEMENT

	DATE:
I, _____, of my own free will and accord do hereby agree to accept transfer from an institution of the California Department of Corrections to an institution of the Federal Prison System.	
I am aware of my right to private consultation with an attorney of my choice concerning my rights and obligations under California Penal Code Section 2911 prior to consenting to such a transfer.	
I have exercised that right: Yes _____, No _____.	
I waive my right to consultation with an attorney: Yes _____, No _____.	
I am aware that prior to the scheduled transfer I may revoke my consent to transfer. (CCR 3379)	
I understand that I am expected to remain in an institution of the Federal Prison until discharged or paroled unless I am returned to California by the Department of Corrections.	
I understand that the security, treatment, training and care for me will be in keeping with the standards for such programs as administered in California by the Department of Corrections.	
I understand that my hearings for parole consideration and determination of sentence will be conducted on the same basis as if I were in a California institution.	

Witness	<u>Inmate's Incarcerated Person's Signature</u>
	CDCR Number
Distribution:	
<u>Inmate's Incarcerated Person's Central File</u>	
Transporting Officer (For the receiving institution)	

(c) Disciplinary and security factors. Prior to transfer of an inmate incarcerated person, the sending institution shall resolve any matters related to incomplete disciplinary punishment or establishment of a determinate period to be served in a RHU at the receiving facility. Disciplinary detention shall be completed, suspended, or commuted to time served. If a transfer related to misbehavior does not require RHU placement but the inmate incarcerated person is transferred to an institution of higher level than indicated by the inmate's incarcerated person's classification score, the endorsing CSR shall establish a date for follow-up review by the receiving institution.

Subsection 3379(d) remains unchanged.

(1) The sending institution shall, prior to any medical or psychiatric transfer, determine whether the inmate incarcerated person has enemies or might be in danger at the receiving facility, and shall:

(A) Inform staff of the receiving facility by telephone prior to the transfer regarding any precautions needed to protect the inmate incarcerated person.

(B) Make an alternate institutional transfer arrangement which will not jeopardize the inmate incarcerated person.

(2) An inmate incarcerated person transferred to CMF for psychiatric treatment because of acute mental illness requiring inpatient psychiatric hospitalization or because of the recency of a major mental illness or when in partial remission of such illness, is entitled to a hearing regarding the necessity for transfer. Upon arrival at CMF, such inmate incarcerated person shall be served with the CDCR Form 1011 (Rev. 07/8807/24), Notice of Transfer to California Medical Facility for Mental Health Treatment, which is incorporated by reference, and shall explain the inmate's incarcerated person's rights. The inmate incarcerated person may sign the notice waiving his right to a hearing or if opposed to the transfer, may request a hearing.

(3) The hearing shall be held within seven days from arrival at CMF. If the hearing cannot be held within seven days, the inmate incarcerated person shall be informed in writing of that fact, the reason for the delay, and of an estimated date he may expect the hearing. The hearing shall consist of a classification committee review of the case and shall include the following:

(A) Determination that the inmate incarcerated person has received written notice of the transfer to CMF stating that the inmate incarcerated person has a right to a hearing and that such hearings are normally held within seven days after arrival at CMF.

(B) The information relied upon in ordering the transfer to CMF shall be disclosed to the inmate incarcerated person. The inmate incarcerated person shall be heard in person and be permitted to present evidence, including witnesses, in his behalf.

(C) One member of the classification committee shall be a psychiatrist employed by the Department of Corrections and Rehabilitation. This person shall be an independent decision maker

and shall not be the inmate's incarcerated person's treating psychiatrist at either the sending or receiving institution.

(D) Following the hearing, the independent decision maker shall inform the inmate incarcerated person in writing of the committee's decision and the information relied upon in arriving at the decision.

(E) The inmate incarcerated person may appeal the decision. A ruling on such appeal shall be returned within 20 working days.

(4) Periodic clinical progress reports on a CDC Form 128-C shall be made at least quarterly. A summary CDC Form 128-C report, classification action and CSR endorsement are required when an inmate's incarcerated person's program category is changed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2911, 5025, 5054, 5068, 5080 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Armstrong v. Schwarzenegger*, United States District Court, N.D. Cal., No. C-94-2307 CW, Stipulation and Proposed Order issued November 30, 2006; *Coleman v. Schwarzenegger*, United States District Court, E.D. Cal., No. CIV-S-90-0520 LKK JFM P, Order issued November 6, 2006; and *Whitaker v. Rushen* (9th Cir. 1983) 720 F.2d 1132, 1135.

Article 11 and Section 3630 were repealed in matter no. 2024-0508-06S and are removed from this action.