NOTICE OF PROPOSED REGULATORY ACTION

California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to repeal section 3400 and adopt section 3401 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, concerning overfamiliarity.

PUBLIC HEARING:

A virtual public hearing will be held on **June 16, 2026,** from **1:30 p.m. to 2:00 p.m.** To join the virtual hearing, follow this link: click here or you may call (916) 701-9994 and enter phone conference ID 728827103# to join by phone (audio only). The purpose of the hearing is to receive written and oral comments about the proposed regulations. Any person may submit public comments orally or in writing during the hearing.

PUBLIC COMMENT PERIOD:

The public comment period will close on **June 16, 2026, at 5:00 p.m**. Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HCregulationsandpolicy@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON:

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2922

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Supervisor II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691-2921

AUTHORITY AND REFERENCE:

GC section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: 6006, 6006.5, and 6007, PC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

The CDCR and CCHCS propose to repeal section 3400 and amend section 3401 of the CCR, Title 15, Division 3, Chapter 1, governing overfamiliarity. Current Title 15 regulations set forth boundaries for employees in their interactions with incarcerated persons, including topics of conversation, actions taken in the line of duty, and allowances in certain circumstances.

This regulatory action removes ambiguity to ensure overfamiliarity procedures align with current CDCR practices and allows for clear, practical, and enforceable distinctions between personal and professional interactions.

This action provides the following:

- Removes ambiguity in the current regulations related to overfamiliarity guidelines.
- Provides clearer expectations for employee interactions with the incarcerated and supervised populations.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS:

The Department anticipates the proposed regulations will benefit the CDCR staff by ensuring the Department follows standardized overfamiliarity processes and guidelines.

FORMS INCORPORATED BY REFERENCE:

Not applicable.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS:

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES:

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 17500 — 17630.

FISCAL IMPACT STATEMENT:

- Cost or savings to any State agency: *None*
- Cost to any local agency or school district that is required to be reimbursed*:* *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS:

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because this regulatory action relates solely to the internal process regarding overfamiliarity within CDCR which only affect CDCR staff.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS:

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because this regulatory action relates solely to the internal process regarding overfamiliarity within CDCR which only affect CDCR staff.

RESULTS OF ECONOMIC IMPACT ASSESSMENT:

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because this regulatory action relates solely to the internal process regarding overfamiliarity within CDCR which only affect CDCR staff.

In accordance with Government Code (GC) section 11346.3(b), the Department has made the following assessments regarding the proposed regulation:

1. Creation or Elimination of Jobs within the State of California

   The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing jobs within the State of California. These regulatory changes pertain solely to internal process regarding overfamiliarity within CDCR.

2. Creation of New or Elimination of Existing Businesses within the State of California

   The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing businesses within the State of California. These regulatory changes pertain solely to internal process regarding overfamiliarity within CDCR.

3. Expansion of Businesses Currently Doing Business within the State of California

   The Department does not expect that the proposed regulations will have an impact on the expansion of businesses currently doing business within the State of California. These regulatory changes pertain solely to internal processes regarding TB testing and requirements within CDCR.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS:

The Department anticipates the proposed regulations will benefit the CDCR staff by ensuring the Department follows standardized overfamiliarity processes and guidelines. The proposed regulations will have no effect on the State's environment as the State's environment is not impacted by these administrative and operational changes.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulation change pertains solely to the internal process regarding overfamiliarity within CDCR which only affect CDCR staff.

EFFECT ON SMALL BUSINESSES:

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because this regulation change pertains solely to the internal process regarding overfamiliarity within CDCR which only affects CDCR staff.

CONSIDERATION OF ALTERNATIVES:

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website https://cchcs.ca.gov and CDCR institution law libraries.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes

modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

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 Regulations of Adult Operations and Programs

Subchapter 5. Personnel

Article 2. Employees

Section 3400 is amended to read:

~~3400. Familiarity.~~
~~Employees must not engage in undue familiarity with incarcerated persons, supervised persons, or the family and friends of incarcerated persons or supervised persons. Whenever there is reason for an employee to have personal contact or discussions with an incarcerated person or supervised person or the family and friends of incarcerated persons and supervised persons, the employee must maintain a helpful but professional attitude and demeanor. Employees must not discuss their personal affairs with any incarcerated person or supervised person.~~

~~Comment: Former DR-5211, undue familiarity.~~

Section 3401 is amended to read:

3401. Relations of Employees and Incarcerated or ~~/~~ Supervised Persons ~~Relations~~.
(a) Outside the scope of assigned duties, ~~Except as provided in (c) below,~~ employees shall not:
(1) T~~t~~ake, deliver or otherwise transmit, ~~either~~ to or from any incarcerated person or member of an incarcerated person's family~~,~~; any verbal or written message, document, item, article, or substance.
~~(b)~~(2) ~~Except as provided in (c) below, employees shall not c~~Contact, correspond or otherwise communicate with any incarcerated person, supervised person, or member of an incarcerated person's or supervised person's family except:~~.~~
(A) If the employee is off duty, and the incarcerated person, supervised person or member of an incarcerated person's or supervised person's family is the employee's immediate family member, as defined in section 3000, or the employee's aunt, uncle, niece, nephew, or first cousin.
~~(b)~~ ~~(c) If an employee is contacted by any incarcerated person, supervised person or member of an incarcerated person's or supervised person's family, other than under circumstances specified in (c) below, the~~ E~~e~~mployees shall immediately notify their hiring authority~~,~~ in writing~~, the employee's institution head or director/assistant secretary of that fact~~ if contacted by any incarcerated or supervised person or member of an incarcerated or supervised person's family outside the scope of their assigned duties.
(c) Nothing in this section shall preclude employees from engaging in dynamic security to promote positive relationships between employees and incarcerated or supervised persons and foster a safer

and more secure rehabilitative environment through purposeful activities and professional and respectful communication.

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

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

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

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

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

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

DRAFT

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR) proposes to repeal section 3400 and amend section 3401 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, regarding overfamiliarity.

Summary of the Proposal

Problem Statement:

Existing regulations in the CCR, Title 15, regarding overfamiliarity, are outdated and do not align with current practices of CDCR such as improving the safety and overall workplace environment of prisons by implementing dynamic security and normalization.

Objective:

This regulatory action removes ambiguity to ensure overfamiliarity procedures align with current CDCR practices and allows for clear, practical, and enforceable distinctions between personal and professional interactions.

Benefit:

The proposed regulations will:

- Remove ambiguity in the current regulations related to overfamiliarity guidelines.
- Provide clearer expectations for employee interactions with the incarcerated and supervised populations.

ECONOMIC IMPACT ASSESSMENT

In accordance with Government Code (GC) section 11346.3(b), the Department has made the following assessments regarding the proposed regulation:

1. Creation or Elimination of Jobs within the State of California

   The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing jobs within the State of California. The proposed regulations relate strictly to overfamiliarity between CDCR staff and incarcerated or supervised persons, and the scope of the provisions is confined to those specific interactions.

2. Creation of New or Elimination of Existing Businesses within the State of California

   The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing businesses within the State of California. The proposed regulations relate strictly to overfamiliarity between CDCR staff and incarcerated

or supervised persons, and the scope of the provisions is confined to those specific interactions.

3. Expansion of Businesses Currently Doing Business within the State of California

   The Department does not expect that the proposed regulations will have an impact on the expansion of businesses currently doing business within the State of California. The proposed regulations relate strictly to overfamiliarity between CDCR staff and incarcerated or supervised persons, and the scope of the provisions is confined to those specific interactions.

4. Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

   The proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff and patients by ensuring CDCR staff is enabled to effectively implement the principles of Dynamic Security and Normalization within the correctional setting, resulting in enhanced safety and an overall improvement in the institutional environment and effectiveness of re-entry and parole practices. The proposed regulations will have no effect on the State's environment as the State's environment is not impacted by these administrative and operational changes and clarifications.

Statement of Determinations

Reasonable Alternatives

In accordance with GC section 11346.5(a)(13), the Department has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Local Mandates

The Department has determined that this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC sections 17500 - 17630.

Significant Adverse Economic Impact

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because this regulatory action relates to overfamiliarity between CDCR staff and incarcerated or supervised persons, and the scope of the provisions is confined to those specific interactions. Based on the economic impact assessment, the Department has determined that the regulations will not significantly affect the following:

1. The creation or elimination of jobs within the State of California.

2. The creation of new businesses or the elimination of existing businesses within the State of California.

3. The expansion of businesses currently doing business within the State of California.

The economic impact assessment shows that the proposed regulatory actions will benefit the health and welfare of California residents, worker safety, and/or the State's environment.

Reports, Studies and Documents Relied Upon

1. Not applicable

SPECIFIC PURPOSE AND RATIONALE FOR EACH REGULATION PROPOSED FOR AMENDMENT, ADOPTION, OR REPEAL

Non-substantive grammar and punctuation changes are made throughout the following regulatory sections for accuracy and readability.

Chapter 1. Rules and Regulations of Health Care Services

Subchapter 5. Personnel

Article 2. Employees

Section 3400. Familiarity.

Section 3400 is repealed to ensure clarity and consistency with dynamic security principles and to remove ambiguity of direction for employee interactions with the incarcerated population. Given the section was open to interpretation, deletion ensures clarity that employees are subject to discipline for violations of the code of conduct regulations.

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

Section 3401 is renamed "Relations of Employees and Incarcerated or Supervised Persons" from the previous title, "Employee and Incarcerated/Supervised Person Relations." This is necessary for clarity and accuracy.

Section 3401(a) is renumbered to include (a)(1) and is amended to provide a concise statement of the exception to communication prohibitions and introduce sections (a)(1) through (a)(2)(A).

Section 3401(b) is renumbered to 3401(a)(2).

New section 3401(a)(2)(A) is adopted to incorporate the provisions of (e)(3).

Section 3401(c) is renumbered to 3401(b) and amended for concision and to clarify that employees shall contact their hiring authority to report contact from incarcerated or supervised

persons or their family outside the scope of the employee's assigned duties. This is necessary to account for all reporting structures.

New Section 3401(c) is adopted to clarify that security practices within the facility are not intended to restrict employees from engaging in dynamic security. This is necessary to encourage professional engagement between employees and incarcerated or supervised persons and promote safety and rehabilitation.

Section 3401(d) is repealed as it is duplicative of sections (a) through (a)(2).

Section 3401(e) is repealed for concision and consistency with the amended structure of the section.

Sections 3401(e)(1) through (e)(2) are repealed to remove the list of allowances for communication. This is necessary because employees' assigned duties may include contact and interaction with the incarcerated population in various forms not currently directly stated in this section.

Section 3401(e)(3) is renumbered to section 3401(a)(2)(A).