

EVALUATION OF THE BEHAVIOR MODIFICATION UNIT PILOT PROGRAM AT HIGH DESERT STATE PRISON



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We extend special thanks to the Administrative and Correctional Staff at High Desert State Prison.

Executive Summary

BACKGROUND

The Behavior Modification Unit (BMU) Pilot Program (California Department of Corrections and Rehabilitation, 2005) was implemented at High Desert State Prison (HDSP) on November 21, 2005. This program was developed and implemented to respond to disruptive inmate behavior that was not serious enough to warrant placement in the Administrative Segregation Unit (ASU) or Security Housing Unit (SHU), but was disruptive to the general population.

Program Goals

The BMU was designed to provide alternative general population housing and programming for inmates deemed program failures.

The goals of the BMU program are to:

- modify recalcitrant inmate behavior,
- eliminate and reduce the opportunity to repeat the behavior, and
- provide non-disruptive inmates the ability to participate in programming without continual interruptions.

BMU Placement Criteria

Inmates are eligible for placement into the BMU if they fall into any of the five following categories:

1. Program failure,
2. SHUable offense per California Code of Regulations, Title 15, Section 3341.5,
3. Organized criminal activity,
4. Refusal to double cell or participate in the department's racial integration program, or
5. Indecent exposure.

Program Description

The Institutional Classification Committee (ICC) or Unit Classification Committee (UCC) has the responsibility of placing inmates into the BMU program who meet placement criteria. Inmates are initially placed in Work Group C, in which inmates receive zero work credit, and Privilege Group C, in which inmates' personal privileges are limited, for at least 90 days. Subsequent BMU placements are for a minimum of 180 days. Upon placement in the BMU, inmates forfeit most personal property, including appliances.

FINDINGS

BMU Program Inmates

A total of 164 inmates were placed in the BMU program at HDSP during the period between November 21, 2005, and July 31, 2007.

BMU Program Outcome Evaluation

What changes in inmate behavior were associated with the implementation of the BMU program at HDSP?

The findings indicate that the BMU program was associated with a reduction in the recalcitrant behavior of the 76 inmates who successfully completed the program and were present at HDSP for at least one month before entering and one month after completing the program. Specifically, the inmates who completed the BMU program had almost six times fewer Rules Violation Reports after completing the BMU program than before entering it. However, the results also suggest that, for the 137 inmates who were placed in the BMU and were present at HDSP for at least one month before and

one month after entering the program, it was not effective in reducing recalcitrant behavior.

Although these findings are encouraging, it is important to note that, due to the quasi-experimental nature of the research design, it is not possible to attribute the observed positive effects to participation in the BMU program. Because it was not feasible to randomly assign inmates to the program, the observed effects might have been due to events unrelated to it (e.g., changes in institution policy, correctional staff behavior toward inmates, or inmate behavior not directly related to the BMU program).

Due to this limitation, the reader is cautioned not to generalize these results to other BMU programs.

Did the BMU allow non-disruptive inmates the ability to participate in programming with fewer interruptions?

It was not possible to identify non-disruptive inmates (information was only tracked for inmates who received Rules Violation Reports). Therefore, the current analysis focused on Rules Violation Reports that occurred within the general population. The findings indicate that the number of Rules Violation Reports issued at HDSP was 11.4% lower after the program was implemented. This result suggests that the BMU program might have reduced the number of disruptions within the general population.

BMU Program Process Evaluation

Is the BMU a behavior modification program consistent with the recognized principles of behavior modification?

The Behavior Modification Program at HDSP observed by the researchers employs a number of recognized approaches to behavior modification and cognitive behavior therapy (CBT). It employs a phase system designed to reward inmates with privileges for good

behavior, and it provides cognitive behavioral programs such as Breaking Barriers, albeit mostly using a workbook approach with little group or individual interaction with a teacher. Although referred to as cognitive behavioral programs, these workbook approaches are perhaps more closely related to what is known as cognitive restructuring (particularly given their lack of skills rehearsal, modeling, and role planning commonly found in CBT approaches). This material, furthermore, represents a small proportion of the Behavior Modification Program.

With the exception of the workbooks, the BMU program components are mostly oriented toward negative reinforcement. The intent of the program appears to be the provision of both specific and general deterrence by putting the inmate in an environment that he finds unpleasant and from which he can escape by completing the program.

Was the BMU program implemented as designed?

The BMU program was initially implemented according to plan. However, the program rules specified in Administrative Bulletin 05/02 were not consistently followed during the second year. This inconsistency is not surprising given that there was no evidence that a theory-based logic model was employed in the development or operation of this program.

If the BMU was not implemented as designed, what was implemented?

The program that was in place as of July 2007 was inconsistently administered; both staff and inmates were frustrated with its implementation. According to the staff, the major factors adversely affecting program consistency were the inadequate number of staff members working in the unit, the deficit of beds available for placing inmates in the BMU, and the necessity of providing designated BMU beds to ASU overflow inmates.

Does the correctional staff believe the BMU program had an effect on reducing disruptive behavior?

The correctional staff indicated that the BMU program could be effective in changing inmate behavior if implemented as intended.

Do inmates see a value in the BMU program?

Several inmates indicated that the BMU program included some beneficial interactions with teachers and social workers. However, many inmates viewed the program as mere punishment. There were also mixed responses regarding the influence of the BMU on the general population, with some inmates indicating that the BMU did have an effect on making inmates think twice before getting involved in disruptive behavior, and that it gave inmates a better idea of what to expect if they engaged in punishable activities.

DISCUSSION

The results of this evaluation support the use of the BMU program as a means of managing inmate behavior in a way that might avoid disciplinary issues and reduce disruptive events. The finding that inmates who completed the program had a significantly lower rate of Rules Violation Reports after completing the program suggests that inmates have altered their post-program behavior, due either to direct benefits of program participation or to avoid subsequent placement in the program.

RECOMMENDATIONS

- The California Department of Corrections and Rehabilitation (CDCR) should systematically utilize techniques to manage inmate behavior (including incentives and disincentives) that have been found to be effective within institutional contexts.

- The CDCR should change the name of the program (e.g., to “Behavior Management Program”) to avoid the risk of confusion with formal behavior modification programming. Continuing to use this name could place the department at risk for failure to provide corresponding mental health treatment.
- The CDCR should make every effort to document the program thoroughly, ensure that all staff members are trained to implement the program, and incorporate the principles of the California Logic Model as outlined in the Expert Panel Report (California Department of Corrections and Rehabilitation, 2007).
- The CDCR should ensure that any program designed to improve inmate behavior should include the following characteristics:
 - be modeled on evidence-based strategies that are clearly linked to program goals,
 - be implemented and operated by correctional staff who are fully qualified and trained to deliver such programming,
 - include protocols designed to ensure that program delivery has fidelity and consistency (e.g., training for new staff as well as yearly refresher training), and
 - utilize inmate contracts that clearly describe the program and the requirements for advancement through and completion of the program.

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BACKGROUND

The Behavior Modification Unit (BMU) Pilot Program (California Department of Corrections and Rehabilitation, 2005) was implemented at High Desert State Prison (HDSP) on November 21, 2005 (see Appendix A). This program was developed and implemented to respond to disruptive inmate behavior that was not serious enough to warrant placement in the Administrative Segregation Unit (ASU) or Security Housing Unit (SHU), but was disruptive to the general population. Disruptive behavior, violence, and habitual non-compliance with rules and regulations make the operation of the units difficult, as well as impede programming for compliant inmates.

Principles of Behavior Modification

Behavior modification refers to the development and implementation of procedures intended to result in behavioral change. The principles of operant conditioning, developed by American behaviorist B.F. Skinner, are considered the basis of this approach to behavior change.

Psychological conditioning (i.e., changing environmental conditions and events to influence behavior in a particular direction) is typically what is meant when the term behavior modification is used. Mostly utilized by behavioral psychologists or paraprofessionals, such techniques employ systematic programs of positive and negative reinforcers to encourage change in behaviors that will improve an individual's social functioning. Such programs have been most commonly implemented in correctional facilities and mental hospitals, as these settings provide environmental conditions that can be all but completely controlled. Sometimes referred to as total institutions, correctional facilities and mental hospitals are able to use the basic necessities of life and simple pleasures (such as recreation and social life) as reinforcers.

Behavior modification programs are generally considered those that possess the following generic characteristics: the methods are evidence-based, the goal is the improvement or correction of human behavior, the practice typically involves some form of contract that outlines the program and specifies its goals and methods, and the effectiveness of the program is continually monitored through follow-up studies with individuals or groups (Davison & Stuart, 1974 as cited in Kalish, 1981). Considerable research evidence has accumulated to indicate that behavior modification methods can effectively reduce offense-related behaviors, particularly in institutions (McGuire, 1996; McGuire & Priestley, 1995). In terms of the ratio of reward to punishment, the current research consensus is that positive reinforcement should be applied more than negative reinforcement when trying to create change in behavior. A positive to negative reinforcement ratio of 4:1 is considered ideal (Gendreau, 1996).

Cognitive Behavior Therapy

Learning theory and its derivatives, including behavior modification, focus on observed behaviors rather than internal mental or emotional processes. However, some learning theorists (most notably Albert Bandura) recognized that behavior is often the outward manifestation of cognitive processes not readily observed. Cognitive behavior therapy (CBT) is an approach that focuses on the cognitive processes that lead to negative behavior. It does so in an attempt to help offenders develop techniques to change their thinking and provide an environment for the modeling and practicing of effective problem-solving skills and pro-social behavior. Programs that utilize cognitive behavioral techniques often employ certain operant conditioning methods

such as phase systems. CBT has also been found to be one of the most effective programs in reducing recidivism (Milkman & Wanberg, 2007).

Program Goals

The BMU program was designed with the intention of providing alternative general population housing and programming for inmates deemed program failures. The goals of the BMU program are:

- the modification of recalcitrant inmate behavior,
- the elimination and reduction of opportunities to repeat such behavior, and
- the provision of quality programming to non-disruptive inmates without continual interruptions.

BMU Placement Criteria

Inmates are eligible for placement into the BMU if they fall into any of these five categories:

1. **Program failure.** Program failure is defined by the California Code of Regulations (CCR) Title 15, Section 3000 as any inmate who generates a significant disciplinary history within 180 days of the most current Rules Violation Report, relative to the date of discovery. A guilty finding for two Serious Rules Violation Reports or one Serious and two Administrative Rules Violation Reports within 180 days is reasonable evidence of a significant disciplinary history, and the inmate may then be considered a program failure. Upon determination that an inmate meets the definition of a program failure, staff will notify the Correctional Counselor II (CCII) of the respective facility. A Unit Classification Committee (UCC) will then review the inmate for placement in the BMU.
2. **SHUable offense per CCR Title 15, Section 3341.5** (California Code of Regulations, 2007; see Appendix B). If an inmate has been found guilty of an offense for which a determinate term of confinement has been assessed, or is deemed a threat to the safety of others or the security of the institution, the inmate may be referred to a classification committee for placement in the BMU program.

Inmates currently serving a determinate SHU term whose in-custody behavior reflects a propensity towards disruptive conduct, who otherwise would not be eligible for additional SHU term assessment, shall be considered by the Institutional Classification Committee (ICC) for placement in the BMU.

Prior to release from the ASU/SHU, the ICC shall review the circumstances of the disciplinary offense and the inmate's behavioral history and determine if placement in the BMU is appropriate.

3. **Organized criminal activity.** Any pattern of behavior that reflects an individual's participation in organized criminal activity shall be grounds for placement in the BMU. Organized criminal activity is defined as behavior that indicates an inmate's participation in a prison gang or street gang.

Examples of this type of behavior include, but are not limited to:

- participating in gang-related riots;

- participating in gang-related batteries or physical assaults;
 - distribution of property, material, or items in an effort to generate revenue for financing/furthering the prison gang or street gang's illegal activity (e.g., drug trafficking, extortion);
 - evidence of attempts to recruit others to participate in prison gang or street gang activities; and
 - participating, directly or indirectly, in any misconduct that could be related to a specific type of gang behavior (e.g., cadence, flagging, sagging, possession of gang graffiti).
4. ***Refusal to double cell or participate in the department's racial integration program.*** Inmates who are determined to be compatible with another inmate and yet refuse to voluntarily double cell or those who refuse to participate in the racial integration policy as defined in the *Johnson v. State of California* settlement agreement are subject to placement in the BMU program.
5. ***Indecent exposure.*** Inmates found guilty of one or more Serious Rules Violation Report for "Indecent Exposure" may be eligible for BMU placement.

PROGRAM DESCRIPTION

The Institutional Classification Committee (ICC) or Unit Classification Committee (UCC) has the responsibility of placing inmates into the BMU program who meet placement criteria. Inmates are initially placed in Work Group C¹ and Privilege Group C for at least 90 days.² Subsequent BMU placements are for a minimum of 180 days. Upon placement in the BMU, inmates forfeit most personal property, including appliances (California Code of Regulations, 2007).³

The UCC is responsible for developing an Individualized Treatment Plan (ITP) within 14 days of an inmate's BMU placement. The ITP is based on a review of the inmate's file and the reason the inmate was placed in the BMU. It may include one or more programs designed to address anger management, alcohol or drug abuse, and other related issues. The ITP serves as a treatment plan as well as a tool to determine program completion.

Facilitated Treatment, Educational, and Self-Help Groups Available

Based on the reason(s) for the inmate's placement in the BMU program, each ITP may include one or more of the following programs:

- ***A Framework for Breaking Barriers:*** Based on a cognitive reality model, this video training series is designed for use with correctional inmates. The curriculum (focused on

¹ An inmate in Work Group C shall remain in zero credit-earning status until classified for placement in a credit-qualifying work group (California Code of Regulations, 2007; CCR 3044; see Appendix C).

² Inmate privileges and non-privileges for Privilege Group C are as followed: No family visits, one-fourth the maximum monthly canteen draw as authorized by the secretary, telephone calls on an emergency basis only as determined by institution/facility staff, yard access limited by local institution/facility security needs with no access to any other recreational or entertainment activities, and no personal property packages (California Code of Regulations, 2007; CCR 3044).

³ All unauthorized property, including appliances, shall be disposed of as provided in CCR 3191(c) (California Code of Regulations, 2007; see Appendix D). According to CCR 3190, inmates assigned to Privilege Group C may not possess entertainment appliances or musical instruments.

changing the cognitive barriers to success) uses workbooks and small groups to facilitate hands-on practice in using the concepts on a daily basis.

- ***Cage Your Rage***: An Inmate's Guide to Anger Control is a program that utilizes a self-study workbook approach designed to help offenders recognize their angry feelings, determine the causes of such feelings, and deal with them in a new responsible way.
- ***A Framework for Recovery***: A Framework for Recovery is a video-based training series using a cognitive reality model designed to teach critical thinking skills that address specific issues and challenges that people in the process of recovery from drug and/or alcohol addiction face. Utilizing groups and workshops, this curriculum involves the practice application of concepts to real-life situations.
- ***Alcoholics Anonymous (AA)***: AA is a worldwide fellowship of more than 100,000 alcoholic men and women who are banded together to solve their common problems and to help fellow sufferers in recovery from alcoholism.
- ***Narcotics Anonymous (NA)***: NA is a non-profit fellowship or society of men and women for whom drugs had become a major problem. They meet regularly to help each other stay clean.

The BMU program is delivered through a 4-step system that increases privileges upon satisfactory completion of each step. To complete the program, inmates must remain infraction free, submit to mandatory drug testing, and make satisfactory program progress (as judged by the UCC) toward completion of their ITP.

Step Process/Privileges

Step 1: Initial Placement

- Work Group C and Privilege Group C status
- Authorized emergency phone calls only
- One quarter monthly canteen draw allowance
- A minimum of 10 hours per week of out-of-cell time (which includes dayroom, workshops, and self-help group activities as limited by physical design, local institution security, and facility needs)
- Out-of-cell time is limited to contact with BMU inmates and non-contact visits
- If the inmate meets the goals of the ITP, he will graduate to Step 2.

Step 2:

- Work Group C and Privilege Group C status
- One phone call per month
- One half monthly canteen draw allowance
- A minimum of 10 hours per week of out-of-cell time (which includes dayroom, workshops, and self-help group activities as limited by physical design, local institution security, and facility needs)
- If the inmate meets the goals of the ITP, he will graduate to Step 3.

Step 3:

Work Group B and Privilege Group B status
Inmate assigned into half time work assignment in BMU only
One phone call per month
One half monthly canteen draw allowance
A minimum of 10 hours per week of out-of-cell time (which includes yard, dayroom, workshops, and self-help group activities as limited by physical design, local institution security, and facility needs)
If the inmate meets the goals of the ITP, he will graduate to Step 4.

Step 4:

Upon completion of the ITP, inmates will be returned to traditional general population housing.

BMU Program Completion Conditions

First Placement:

BMU placement is for 90 days beginning on the date of the ICC or UCC action. All unauthorized property, including appliances, shall be disposed of as provided in CCR, Title 15, Section 3191(c) (California Code of Regulations, 2007). Assignment to Work Group C is effective the date of placement into the BMU for a minimum of 90 days. Inmate must submit a written request to the assigned Correctional Counselor I (CCI) to appear before the UCC for consideration of removal from the BMU. Inmate must remain free of disciplinary action during the BMU placement period. Additional conditions of release apply as imposed by UCC.

Subsequent Placements:

BMU placement is for 180 days beginning on the date of the ICC or UCC action. All unauthorized property, including appliances, shall be disposed of as provided in CCR, Title 15, Section 3191(c). Assignment to Work Group C is effective the date of placement into BMU for a minimum of 180 days. Inmate must submit a written request to the assigned CCI to appear before the UCC for consideration of removal from the BMU. Inmate must remain free of disciplinary action during the BMU placement period. Additional conditions of release apply as imposed by the UCC.

In each case of BMU placement, release from the BMU is based upon completion of the term assessed by the appropriate classification committee and compliance with additional terms and conditions.

All inmates entering the BMU will be designated as Work Group C and Privilege Group C effective the date of placement. The BMU UCC will complete an initial review of the inmate's file and develop an ITP with necessary educational programs.

The UCC will inform the inmate that he must remain free of disciplinary action and complete the ITP as directed before being released from the BMU. The ITP may include, but is not limited to, completion of anger management programs such as Breaking Barriers and Cage Your Rage, as well as participation in other self-help groups. The inmate must remain infraction free during the entire program. If the ITP has been completed or significant progress has been made, the inmate will graduate to the next step as authorized by the UCC.

The BMU UCC review will determine if inmates have successfully completed requirements, failed to meet requirements, or are eligible to graduate to the next step. Inmates retained will have a follow up review date with requirements to meet before their next BMU UCC. Inmates retained in the BMU for failure to meet additional conditions of release shall have their status reviewed every 30 days by the UCC.

EVALUATION QUESTIONS

This evaluation addresses the following process and outcome questions:

Outcome Questions

- What changes in inmate behavior are associated with the implementation of the BMU program at HDSP?
- Did the BMU allow non-disruptive inmates the ability to participate in programming with fewer interruptions?

Process Questions

- Is the BMU program consistent with the recognized principles of behavior modification?
- Was the BMU program implemented as designed?
- Were there written guidelines?
- If the BMU was not implemented as designed, what was implemented?
- Does the correctional staff believe the BMU program had an effect on reducing disruptive behavior?
- What suggestions did staff provide for improving goal attainment?
- Do inmates see a value to placement in the BMU?

The findings of the evaluation will help the California Department of Corrections and Rehabilitation (CDCR) Executive Staff determine if the BMU program should be maintained as designed and implemented; modified from its original design; or continued and possibly expanded at HDSP, and phased into other institutions.

DATA SOURCES

Data sources included interviews of staff and inmates, data from the BMU database, Rules Violation Reports, and the Offender Based Information System.

Interviews

Interviews with BMU staff and inmates served as data sources. All staff and inmates interviewed were asked if they would be willing to volunteer to answer questions about the BMU pilot program as part of the evaluation. All staff members were asked to be interviewed directly by the primary researchers, whereas all inmates were asked to be interviewed by the correctional officers on duty at the time. Before conducting each interview, the participant was given a consent form that explained that no information provided to the interviewer would be tied directly to the participant and that the participant had the right to refuse to answer any question.

Staff Interviews. Eight correctional staff members who worked in the BMU were interviewed (see Appendices E & F). Five staff members were interviewed in November 2006 and three in July 2007. All staff interviews were conducted in a closed room where the participants' answers were not likely to be overheard by anyone else.

The evaluation staff was also able to meet and talk with many of the correctional staff affiliated with the BMU during the course of visiting HDSP (see Appendix G).

Inmate Interviews. A total of six BMU inmates were interviewed in July 2007. No demographic information was collected on the inmates interviewed for this evaluation.

All inmate interviews (see Appendices H & I) were conducted in small rooms on the yard that offered some privacy. There is the possibility, however, that correctional officers may have overheard inmate responses. Therefore, the responses of the inmates may not have been fully candid.

BMU Database

As BMU inmates were placed in the BMU program, staff at HDSP recorded relevant inmate information about the placement and then subsequently updated the records whenever a change occurred to the inmate's placement status (i.e., when the inmate was moved to the next phase of the program, returned to a prior phase, sent to ASU/SHU, or completed the program).

HDSP staff captured BMU's specific information using the BMU Database, which was created by staff from the CDCR's Adult Research Branch.

HDSP staff created 195 records for the 164 inmates placed into the BMU program between November 21, 2005 and July 31, 2007. The additional 31 records were created for inmates who were either sent back to a prior phase of the program (20), reentered the program after being sent to the ASU/SHU (10), or reentered the program after previously completing the BMU program (1).

Rules Violation Reports

Rules Violation Report information (CDCR form 115; Appendix J) was collected from the Office Assistants for all Facilities at HDSP (Facility A, B, C, D, Z, and ASU) recorded from January 2000 to June 2007. Rules Violation Reports were analyzed, and all incomplete records (i.e., records missing inmate identification number, inmate name, violation date, or violation disposition) were removed. Only Rules Violation Reports that indicated an inmate was found guilty or that an action was taken against the inmate were used in the analyses.

Offender Based Information System

Inmate movement history was pulled from the Offender Based Information System (OBIS) to determine if the inmate was present at HDSP during the months prior and subsequent to being placed in the BMU program. If an inmate was not present at HDSP during a particular month, he was not included in calculating the average Rules Violation Report rate for that month.

Inmate birth date information was pulled from the Level 1 Warehouse.

Inmate classification level before entering the BMU program was pulled from the Inmate Classification Score System.

Average daily prison population estimates were calculated from the Monthly Reports of Population (November 2004 – November 2006) posted by the Data Analysis Unit of the Offender Based Information Services Branch (California Department of Corrections and Rehabilitation, 2004-2006).

EVALUATION LIMITATIONS

There are a number of limitations to this evaluation, including:

- Sample size was limited by the number of inmates who entered the BMU program ($n = 164$), by the number who were present at HDSP long enough to permit the tracking of sufficient prior and subsequent Rules Violation Reports ($n = 137$), and by the number who successfully completed the program ($n = 76$). These constraints could reduce the probability of detecting program effects.
- For the purpose of this evaluation, no control or equivalent comparison group was employed. Eligible inmates were not randomly assigned to the BMU, so it is not possible to conclude that the BMU program directly caused any observed outcomes.
- Due to the quasi-experimental nature of the research, the results are susceptible to internal and external threats to validity (e.g., history effects, maturation, mortality, and statistical regression).
- The analyses conducted to answer the outcome questions reflected one-group pretest-posttest designs, which cannot account for any preexisting differences between the pre and post periods due to changes in the prison population, institutional procedures/policy changes, and inmate maturation.
- Some inmate information was missing in the BMU database, in which case the information had to be collected from the BMU instructor's program notes.
- Some inmates who successfully completed the BMU program spent some portion of the 6 months after completing the BMU in the Administrative Segregation Unit (ASU), which

might have reduced the possibility of the inmate receiving a Rules Violation Report during that time.

- The number of inmate interviews was limited by those inmates currently assigned to the BMU who were willing to be interviewed by research staff during the site visits. Only 6 of the 13 inmates in the program volunteered to be interviewed.
- Because there was no budget allocated specifically for the BMU program, this evaluation did not include a cost analysis.

Due to these limitations to the research methodology and analyses, the results should not be generalized to other institutions.

FINDINGS

BMU Program Inmates

A total of 164 inmates were placed in the BMU program at HDSP during the period between November 21, 2005 and July 31, 2007. The average age of these inmates when they were placed in the program was 33 years, with an age range of 19 to 71 years. Of those inmates, 51.2% were Black, 25.0% were Hispanic, 18.3% were White (non-Hispanic), and 5.5% were identified as “Other.” In this program, 73.8% of the inmates had a classification of Level IV (maximum-security level), 22.6% were classified at Level III, 3.0% were classified at Level II, and 0.6% were classified at Level I (minimum-security level).

Of these inmates, 163 were assigned to treatment programs to address conflict, anger, and aggression issues, whereas only one inmate was assigned to Narcotics Anonymous.

Reason for Placement in BMU Program

Initial reasons for inmates’ BMU program placement are presented in Table 1. The majority (70.1%) of inmates were placed in the BMU program due to “Program Failure.” Twenty-one inmates were listed as “Placement Reason Not Recorded” because the relevant information was not recorded in the BMU Database.

Table 1

Reasons for Inmates’ Initial Placement into the BMU Program

BMU Placement Reason	<i>n</i>	%
Program Failure	115	70.1
SHUable Offense*	12	7.3
Organized Criminal Activity	7	4.3
Indecent Exposure	9	5.5
Placement Reason Not Recorded	21	12.8
Total	164	100.0

*An offense typically requiring the assessment of a Security Housing Unit (SHU) team.

Status of BMU Inmates at End of Initial Placement

Of the 164 inmates placed in the BMU program, 56.7% completed it during their initial placement in the program (see Table 2). This took them an average of 98.9 days. Fifty of the inmates who completed the program spent less than the required 90 days; however, only five of these inmates were allowed to complete the program more than a week early. According to the BMU database, 19 inmates were still in the BMU program as of July 31, 2007. Thirty-four inmates were sent to ASU/SHU because of additional behavior problems while in the BMU.

Table 2

Status of BMU Inmates at the End of Initial Placement in Program and Average Number of Days Spent In the BMU Program

Status at End of Initial Placement in BMU	<i>n</i>	%	Average Number of Days in BMU
Completed BMU Program	93	56.7	98.9
Sent to ASU/SHU	34	20.7	68.0
Still in BMU Program	19	11.6	65.7
Paroled	3	1.8	76.0
Expelled from Program	1	0.6	7.0
Placed on Suicide Watch	1	0.6	80.0
Status Not Recorded	13	7.9	72.3
Total	164	100.0	85.4

Reasons for Subsequent Placement in BMU Program

A total of 10 inmates who had previously been placed in the BMU reentered the program for a second placement (see Table 3).

Table 3

Reasons for Inmates' Second Placement into the BMU Program

BMU Placement Reason	<i>n</i>	%
Program Failure	7	70.0
SHUable Offense*	2	20.0
Organized Criminal Activity	0	0.0
Indecent Exposure	1	10.0
Placement Reason Not Recorded	0	0.0
Total	10	100.0

*An offense typically requiring the assessment of a Security Housing Unit (SHU) team.

Of the 10 inmates who returned, nine had previously exited the BMU because they were sent to the ASU/SHU, and one inmate had previously completed the BMU program.

Status of BMU Inmates at End of Second Placement

Of the ten inmates who entered the BMU program for a second placement, four completed the program (see Table 4), taking an average of 84 days to complete this second placement period. All four of the inmates who completed the program, on their second placement, spent less than the required 180 days in the program. One of the four inmates who completed the BMU program on his second placement had also completed the program on his first placement.

Table 4

Status of BMU Inmates at the End of Second Placement in Program and Average Number of Days Spent in the BMU Program

Status at End of Second Placement in BMU	<i>n</i>	Average Number of Days in BMU
Completed BMU Program	4	84.0
Sent to ASU/SHU	5	73.6
Still in BMU Program	0	--
Paroled	0	--
Expelled from Program	0	--
Placed on Suicide Watch	0	--
Status Not Recorded	1	--
Total	10	70.4

Only one inmate entered the program for a third placement. This inmate entered the program for a SHUable Offense and was still in the program as of the last time a copy of the BMU Database was pulled in August of 2007.

PROGRAM OUTCOME EVALUATION

The purpose of this evaluation was to determine if the BMU program was effective at: (1) modifying recalcitrant inmate behavior, (2) eliminating and reducing the opportunity to repeat the behavior, and (3) providing non-disruptive inmates the ability to participate in programming without continual interruptions. To explore if the BMU at HDSP had the intended effects on inmate behavior, researchers conducted the following analyses.

Modify Recalcitrant Inmate Behavior

To examine the possibility that the BMU program had an effect on recalcitrant inmate behavior, a paired sample *t*-test was conducted to assess differences in rates of Rules Violation Reports per month between those who completed the BMU program and those who did not (i.e., the number of Rules Violation Reports divided by the number of months present at HDSP) during the 6 months prior to BMU initiation, as compared to the 6 months after program completion. An alpha level of .05 was used to determine statistical significance. Rules Violation Report rates were calculated for the 76 BMU inmates who completed the program and were present at HDSP for at least one month before entering and one month after program completion. This analysis is relevant to whether the BMU program potentially had an effect on recalcitrant inmate behavior by determining if inmates who completed the BMU program had a lower rate of

Rules Violation Reports after completing the program than before they entered. The means and standard deviations for the Rules Violation Report rate (per month) for BMU inmates during the 6 months prior to BMU program initiation and during the 6 months after BMU program completion are shown in Table 5. The mean Rules Violation Report rates for the period before entering and after completing the BMU program are shown in Figure 1.

Table 5

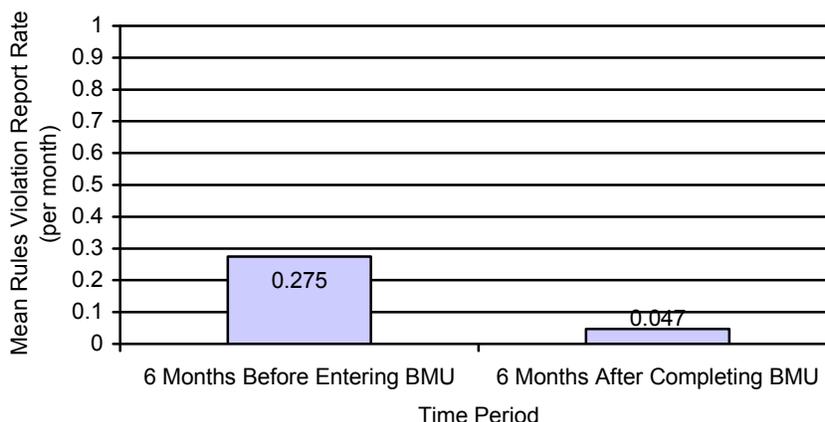
Rules Violation Report Rate Means and Standard Deviations for the 6 Months before Entering and 6 Months after Completing the BMU Program

Rules Violation Report Rate (per month)	<i>M</i>	<i>SD</i>
6 Months Before Entering BMU Program	.275	.216
6 Months After Completing BMU Program	.047	.100

Note. There were 76 inmates in each period. Larger values of Rules Violation Report rates indicate greater frequency of reports.

Figure 1

Rules Violation Report Rate Before Entering and After Completing the BMU Program



The results of the paired *t*-test indicated that for the 76 inmates who were placed in and completed the BMU program, the mean Rules Violation Report rate was significantly lower during the 6 months after completing the BMU program than during the 6 months before entering the program, $t(75) = 8.25, p < .05, \omega^2 = .47$.⁴ The inmates who completed the BMU program had almost 6 times fewer Rules Violation Reports during the 6 months after completing the BMU than during the 6 months before entering the BMU program. Looking at this in a different way, the 76 inmates who completed the BMU program collectively totaled almost 21 Rules Violation Reports per month during the 6 months before entering the BMU and only 3.5 Rules Violation Reports per month after completing the program.

⁴ The omega-squared (ω^2) value indicates that 47% of the variability in Rules Violation Reports administered to inmates was accounted for by the time period comparison (i.e., before entering versus after completing the BMU program).

Eliminate or Reduce the Opportunity to Repeat the Behavior

It was also of interest to determine if the BMU program was associated with elimination or reduction of inmates' opportunity to repeat recalcitrant inmate behavior. A paired sample *t*-test was conducted to determine if inmates who were placed in the BMU program (as opposed to just those who necessarily completed it) differed in their rate of Rules Violations (per month) during the 6 months prior to entering the BMU program, as compared to the 6 months after entering the program. An alpha level of .05 was again used to determine statistical significance. Rules Violation Report rates were calculated for the 137 BMU inmates who were placed in the program and were present at HDSP for at least 1 month before and 1 month after entering the program.

This analysis pertains to whether the BMU program was associated with eliminating or reducing the opportunity of recalcitrant inmates to repeat behavior by determining if inmates who were placed in the BMU program demonstrated a lower rate of Rules Violation Reports after entering the program. The means and standard deviations for the Rules Violation Report rate (per month) for BMU inmates during the 6 months before they entered the BMU program and during the 6 months after they entered the BMU program are shown in Table 6. The mean Rules Violation Report rates for the time period before entering and after entering the BMU program are shown in Figure 2.

Table 6

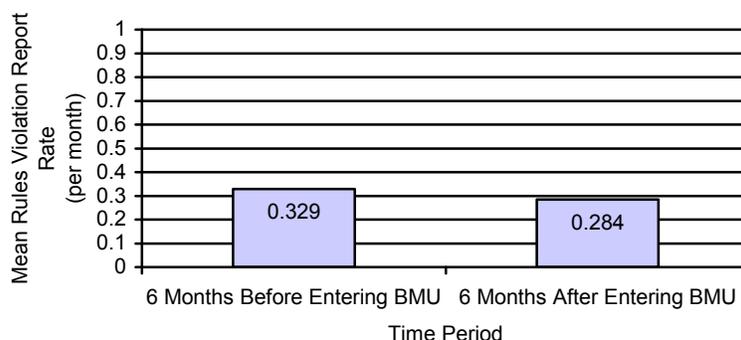
Rules Violation Report Rate Means and Standard Deviations for the 6 Months Before Entering and 6 Months After Entering the BMU Program

Rules Violation Report Rate (per month)	<i>M</i>	<i>SD</i>
6 Months Before Entering BMU Program	.329	.280
6 Months After Entering BMU Program	.284	.340

Note. There were 137 inmates in each time period. Larger values of Rules Violation Report rates indicate greater frequency of reports.

Figure 2

Rules Violation Report Rate Before and After Entering the BMU Program



The results of the paired *t*-test indicated that for the 137 inmates who were placed in the BMU program, the mean Rules Violation Report rate was not significantly different during the 6

months after entering the BMU program when compared to the 6 months prior to entering the program, $t(136) = 1.50, p > .05$. Inmates who were placed in the BMU program had essentially the same rate of Rules Violation Reports during the 6 months before entering compared to the 6 months after entering the BMU program.

Provide Non-Disruptive Inmates the Ability to Participate in Programming Without Continual Interruptions

Information was not available to identify non-disruptive inmates at HDSP (information was only tracked for inmates who received Rules Violation Reports). For this reason, it was not possible to determine if the BMU program helped provide non-disruptive inmates the ability to participate in programming without continual interruptions. As it was not possible to specifically identify non-disruptive inmates, it was necessary to focus this analysis on Rules Violation Reports that occurred within the general population at HDSP. It is assumed that if the number of reports decreased after implementation of the BMU program, inmates in the general population had increased access to non-disrupted programming. To explore whether the BMU program had an effect on providing inmates the ability to participate in programming without continual interruptions, a chi-square (χ^2) goodness-of-fit test was conducted to examine if inmates at HDSP differed in the number of Rules Violation Reports during the 12 months before the BMU program was implemented as compared to the 12 months after the program was implemented. An alpha level of .05 was used to determine the statistical significance of the chi-square analysis.

The number of Rules Violation Reports was calculated by counting all Rules Violation Reports that occurred within the general population at HDSP during the time periods before (i.e., Nov. 1, 2004 – Oct. 31, 2005) and after (i.e., Dec. 1, 2005 – Nov. 30, 2006) the BMU program was implemented. Only Rules Violation Reports that resulted in a disposition of guilty or in an action being taken against the inmate were included in the analysis.

This analysis gives an indication of whether the BMU program was effective in providing general population inmates the ability to participate in programming with fewer interruptions by determining if inmate Rules Violation Reports decreased after the BMU program was implemented. The frequency of Rules Violation Reports and percentage of Rules Violation Reports occurring during the 12 months before and 12 months after the BMU program was implemented at HDSP are shown in Table 7. The frequency of Rules Violation Reports during the 12 months before and 12 months after the BMU program implementation are shown in Figure 3. Note that Rules Violation Reports received by inmates who were placed in the BMU program were included in the total number of reports for each time period. These reports were included because they represent disruptive behavior occurring within the general population during that time. (BMU inmates are considered part of the general population.)

Table 7

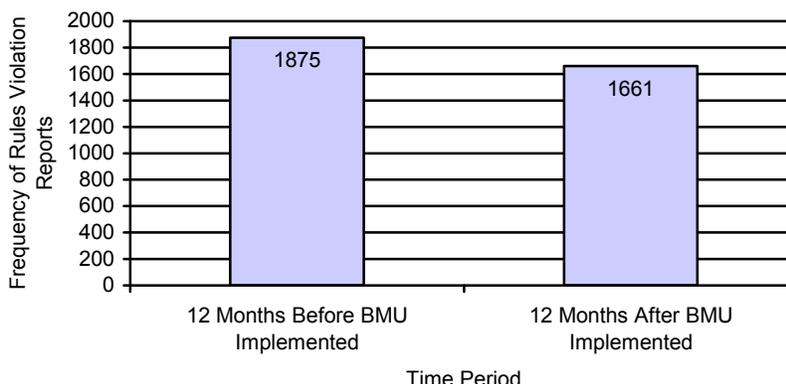
Frequency and Percent of Rules Violation Reports Before and After the BMU Program was Implemented

Rules Violation Reports	F	%
12 Months Before BMU Program Implemented	1,875	53.0
12 Months After BMU Program Implemented	1,661	47.0

Note: Percentages were calculated by dividing the number of Rules Violation Reports for each time period by the total number (N = 3536) of Rules Violation Reports during the entire 24-month period.

Figure 3

Frequency of Rules Violation Reports Before and After the BMU Program was Implemented



The results of the chi-square goodness-of-fit test indicated that there were more Rules Violation Reports at HDSP during the 12 months before the BMU program was implemented than after it was implemented, $\chi^2(1, N = 3536) = 12.95, p < .05$. This represents an 11.4% reduction in Rules Violation Reports during the 12 months after implementation as compared to the 12 months before program implementation.

To determine if this difference in Rules Violation Reports might be explained by a decrease in the number of inmates at HDSP during the 12 months after the BMU program was implemented, the average daily prison population (excluding inmates located at the Reception Center at HDSP) was calculated from the Monthly Reports of Population, November 2004 – November 2006, posted by the Data Analysis Unit of the Offender Based Information Services Branch (California Department of Corrections and Rehabilitation, 2004-2006). The average daily prison population for the year before the BMU program was implemented at HDSP (November 2004 through October 2005) was slightly lower than the average daily prison population for the year after it was implemented (December 2005 through November 2006). This indicates that the difference observed cannot be explained by a decrease in the number of inmates present at HDSP after the BMU program was implemented.

SUMMARY OF OUTCOME EVALUATION FINDINGS

What changes in inmate behavior are associated with the implementation of the BMU program at HDSP?

The findings indicate that the BMU program was associated with a reduction in the recalcitrant behavior of inmates who successfully completed the program. However, the results also suggest that the program was not effective in reducing the recalcitrant behavior of inmates who entered but failed to complete the BMU program.

Although these findings are encouraging, it is important to note that, due to the quasi-experimental nature of the research design, it is not possible to attribute the positive effect observed directly to the presence of the BMU program. It was not possible to randomly assign inmates to placement in the BMU. Therefore, it is possible that the observed effects might have been due to events unrelated to the program (e.g., changes in institution policy, correctional staff behavior toward inmates, or inmate behavior not directly related to the BMU program).

This limitation of the analyses makes it risky to generalize the results to other institutions that might implement a BMU program.

Did the BMU permit non-disruptive inmates the ability to participate in programming with fewer interruptions?

The findings indicate that the number of Rules Violation Reports issued at HDSP was lower after than before the program was implemented, suggesting that the BMU program might have reduced the number of disruptions inmates in the general population experienced.

BMU PROGRAM PROCESS EVALUATION

Is the BMU consistent with the recognized principles of behavior modification?

The Behavior Modification Program at High Desert State Prison observed by the researchers was not intended to be an implementation of theory-based treatment grounded in learning theory. It does, however, employ some recognizable methods of behavior modification and cognitive behavior therapy (CBT). It employs a phase system designed to reward inmates with increasing privileges for good behavior and provides some cognitive behavioral programs such as Breaking Barriers, albeit mostly in a workbook approach with little group or individual interaction with a teacher. Although referred to as cognitive behavioral programs, these workbook activities may be closer to what is known as cognitive restructuring, as they lack the skills rehearsal, modeling, and role playing commonly found in CBT approaches. Nevertheless, this material represents a small proportion of the Behavior Modification Program.

With the exception of the workbooks, the BMU's program components are primarily oriented toward negative reinforcement. In other words, the intent of the program is to provide both specific and general deterrence by putting the inmate in an environment he finds unpleasant and from which he can escape by completing the program.

Its overall approach to the reward and punishment techniques of behavior modification, however, appears mostly to utilize punishment. For example, the inmates' loss of property seems quite severe when compared to the relative privileges of those placed in ASU. Interviews with staff and inmates tended to confirm that the program has an emphasis on punishment rather than rewards. Some staff even described it as punishment-oriented and did so in positive terms.

The cognitive behavioral workbook programs provided at HDSP are ones that are widely used throughout the country. As mentioned earlier, however, they are delivered primarily through workbooks only, with little group or individual interaction with a teacher. Although most certainly helpful, it is doubtful that their overall effect can be extensive when delivered in this manner. Basically, the cognitive behavioral material represents a small proportion of the Behavior Modification Program. There was nothing else provided in the way of what is usually understood as program.

Although some immediate positive results might have been achieved in terms of reduced infractions in the general population, it is not expected that the program will provide any benefit in terms of reduced recidivism. In fact, research evidence leads one to the opposite conclusion:

In sum, research does not show that the aversive experience of receiving correctional sanctions greatly inhibits subsequent criminal behavior. Moreover, a significant portion of the evidence points in the opposite direction – some such sanctions may increase the likelihood of recidivism. The theory of specific deterrence inherent in the politically popular and intuitively appealing view that harsher treatment of offenders will dissuade them from further criminal behavior is thus not consistent with the preponderance of available evidence. If, among their other purposes, correctional interventions are expected to have a net positive effect on public safety by reducing the reoffense rates of convicted offenders, reliance on punitive approaches does not appear to be sufficient to the task (Lipsey & Cullen, 2007, p. 8).

Was the BMU program implemented as designed?

According to the correctional officers, the BMU program was implemented according to plan during the first year of the program. However, officers later indicated that the program rules specified in Administrative Bulletin 05/02 were no longer followed consistently. This inconsistency has led to staff frustration with the program. Some staff even indicated that they no longer file some Rules Violation Reports, because the Unit Classification Committee (UCC) has ignored these reports when determining if a BMU inmate should be allowed to move to the next step of the program. The finding that some BMU inmates were allowed to finish the BMU program without completing the specified time requirement supported this assertion. Unfortunately, it was not possible to verify other assertions of inconsistencies in how the program was implemented.

The inconsistency in implementation of the program is not surprising given that there was no evidence that a theory-based logic model was employed in the development or operation of this program.

Were written guidelines provided to correctional staff?

The only guidelines provided to the correctional staff when the program was implemented were contained within the Administrative Bulletin announcing the program. Correctional staff indicated that they received neither formal training on how to implement the program nor follow-up training.

If the BMU was not implemented as designed, what was implemented?

The correction officers described the program that was in place as of July 2007 as being inconsistently administered, as well as a source of frustration in terms of overall implementation. According to the staff, the major factors that led to inconsistency in implementing the BMU were the inadequate number of staff working in the unit, the deficit of beds available for placing inmates in the BMU, and the necessity of providing designated BMU beds to ASU overflow inmates.

Does the correctional staff believe the BMU program had an effect on reducing disruptive behavior?

The correctional staff indicated that the program could be effective in changing inmate behavior if implemented as intended. However, staff stated that inmates do not take the program seriously anymore because they know they can get out early without fulfilling all the program requirements, due to ASU overflow and inconsistent decisions by the UCC. Staff also indicated that they believe the BMU program has been effective in reducing disruptive behavior, because inmates prefer placement in the ASU rather than the BMU.

What suggestions did staff provide for improving goal attainment?

Correctional staff made the following recommendations for improving program goal attainment:

- Implement the BMU program consistently, so inmates are aware that the fulfillment of all program requirements is necessary for graduation, and so that staff members come to believe that what they are doing is relevant to effecting positive change in inmate behavior.
- Inmates placed in the BMU program should not have any privileges for the first month of participation. If such privileges must be earned, inmates will then have a genuine incentive to move to the second step of the program.
- Revise program regulations so that BMU inmates who refuse to share a cell are motivated to accept a cellmate.
- Inmates should be more fully monitored prior to being sent to the BMU program to prevent distribution of their property to other inmates.
- BMU inmates should be sent back to the yards that initially referred them.
- Multiple programs (e.g., BMU, general population, and protective custody) should not take place on the same yard at the same time.
- The size of the BMU program should be increased to accommodate a greater number of inmates.
- The number of correctional and education staff members who work in the BMU program should be increased.

Do inmates see a value in the BMU program?

Several inmates indicated that the BMU program included some helpful treatment elements, and that they had beneficial interactions with the BMU teacher and social workers (see Appendix G). However, many inmates viewed the program as mere punishment. There were also mixed responses regarding the influence of the BMU on the general population, with some inmates indicating that the BMU influenced inmates to think twice before getting involved in disruptive behavior, and that the existence of the program gave inmates a better idea of what to expect if they did engage in punishable activities.

Some inmates indicated a belief that the BMU program assignment was unfair in that they felt the program was worse than being sent to the ASU. They also expressed that they were not always treated justly. A number of inmates even suggested that the perceived unfairness of the program might actually motivate inmates who think they may be assigned to the BMU to act out in such a way as to be sent to ASU or SHU instead. If there is any truth to this assertion, the BMU program could potentially lead to more violent behavior.

DISCUSSION

The results of this evaluation support the use of the BMU program as a means of managing inmate behavior in a way that can help inmates avoid disciplinary issues and reduce disruptive events in the general population. Primarily, the finding that inmates who completed the program subsequently had significantly lower rates of Rules Violation Reports suggests that inmates altered their behavior—either due to direct benefits of program participation or to avoid a subsequent placement in the program.

When these findings are considered in light of staff and inmate comments regarding the inconsistency of the program's implementation at HDSP, an important question arises as to whether the BMU program could have been more effective than the current results suggest had program integrity been stronger. Both the correctional staff involved with the program and the BMU inmates themselves voiced serious concerns about how the program was being run, as well as frustrations with the aforementioned lack of consistency. This frustration could have easily hindered staff members' motivation to run the program correctly and disrupted inmates' motivation to successfully complete the program and positively alter their behavior.

RECOMMENDATIONS

If CDCR's intention is to use techniques to positively manage inmate behavior within institutional contexts, it is recommended that an effort be made to research and utilize techniques found to be effective within correctional settings. However, if the intention of the program is to place recalcitrant inmates in more secure general population housing to reduce negative behavior, it would be in CDCR's best interest to change the name of the program to something more descriptive of the program elements (e.g., to "Behavior Management Program") to avoid risk of confusion with formal behavior Modification programming. Continuing to use the current name could place the department at risk for failure to provide corresponding mental health treatment. Regardless of whether the program name is altered, the department is advised to make every

effort to document the program thoroughly, ensure that all staff members are trained to implement the program, and otherwise incorporate the principles of the California Logic Model as outlined in the Expert Panel Report (California Department of Corrections and Rehabilitation, 2007).

It is highly recommended that all programs designed to improve inmate behavior include the following characteristics. They should:

- be modeled on evidence-based strategies that are clearly linked to program goals.
- be implemented and operated by correctional staff who are fully qualified and trained to deliver it.
- include protocols to ensure the program has fidelity and consistency in program delivery (e.g., training for new employees and yearly refresher training).
- utilize inmate contracts that clearly describe the program as well as the requirements for advancement in and completion of the program.

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APPENDICES

APPENDIX A

CDCR Administrative Bulletin 05/02

 <p>Department of Corrections and Rehabilitation</p> <p>ADMINISTRATIVE BULLETIN</p> <p>Subject: REVISED BEHAVIOR MODIFICATION UNIT PILOT PROGRAM</p>	<p>Number:</p> <p>05/02</p>
	<p>Date:</p> <p>November 21, 2005</p>

This Administrative Bulletin (AB) announces changes to the California Department of Corrections and Rehabilitation (CDCR) Behavior Modification Unit (BMU) Pilot Program. The BMU was implemented as a pilot program pursuant to Penal Code Section 5058.1 on November 21, 2005. The pilot program provides alternate General Population (GP) housing and programming for those inmates who are deemed program failures, who participate in organized criminal activity (gang activity), who refuse to participate in racial integration, who refuse to double cell, who have been found guilty of one or more serious Rules Violation Reports for “Indecent Exposure”, and those released from the Administrative Segregation Unit/Security Housing Unit (ASU/SHU). This will allow GP inmates desiring to program without violence or disruptive conduct to do so unaffected by a smaller, more disruptive segment of the inmate population.

PURPOSE

The purpose of the program is to modify recalcitrant inmate behavior, eliminate and reduce the opportunity to repeat the behavior, and provide non disruptive inmates the ability to program without continual interruption.

BACKGROUND

The CDCR has identified a need to take immediate and appropriate corrective action to prevent inmates from their involvement in disruptive behavior, violence, or continued noncompliance with CDCR rules and regulations. Inmates who commit these acts shall be referred to a classification committee for review of appropriate housing and program placement.

PILOT PROGRAM INSTITUTIONS

The establishment of the pilot program shall be at the below listed institution:
High Desert State Prison

Upon completion of an initial implementation and evaluation period, the program will be phased in at other institutions as determined by the Secretary.

PILOT PROGRAM REQUIREMENTS

BMU placement consists of inmates identified in five separate categories:

1. PROGRAM FAILURE

Program failure, is defined by The California Code of Regulations (CCR), Title 15 Section 3000, as any inmate who generates a significant disciplinary history within 180 days of the date of discovery for the most current rule violation report. A guilty finding for two Serious Rules Violation Reports or one serious and two Administrative Rules Violation Reports within 180 days is reasonable evidence of a significant disciplinary history and may be considered a program failure. Upon determination that an inmate meets the definition of a program failure, staff will notify the Correctional Counselor II (CCII) of the respective facility via CDC-128-B1 Notice of Classification. A Unit Classification Committee (UCC) will then review the inmate for placement in the BMU.

2. SHUable OFFENSE Per CCR 3341.5

If the inmate has been found guilty of an offense for which a determinate term of confinement has been assessed, or is deemed to be a threat to the safety of others or the security of the institution, the inmate may be referred to a classification committee for placement in the BMU.

Inmates currently serving a determinate SHU term whose in-custody behavior reflects a propensity towards disruptive conduct, which otherwise would not be eligible for additional SHU term assessment, shall be considered by Institutional Classification Committee (ICC) for placement in the BMU.

Prior to release from the ASU/SHU, the ICC shall review the circumstances of the disciplinary offense and the inmate's behavioral history and determine if placement in the BMU is appropriate.

3. ORGANIZED CRIMINAL ACTIVITY

Any pattern of behavior which indicates an individual's participation in organized criminal activity shall be grounds for placement in the BMU. Organized criminal activity is defined as behavior which indicates an inmate's participation in a prison gang or street gang. Examples of this type of behavior include, but are not limited to:

- Participating in gang related riots.
- Participating in gang related batteries or physical assaults.
- Distribution of property, material, or items in an effort to generate revenue for the purpose of financing/furthering the prison gang or street gang's illegal activity (e.g. drug trafficking, extortion, etc).
- Evidence of attempts to recruit others to participate in prison gang or street gang activities.
- Participating, directly or indirectly, in any misconduct that could be related to a specific type of gang behavior (e.g. cadence, flagging, sagging, possession of gang graffiti, etc).

4. REFUSAL TO DOUBLE CELL OR PARTICIPATE IN THE DEPARTMENT'S RACIAL INTEGRATION PROGRAM.

Inmates who are determined to be compatible with another inmate and refuse to voluntarily double cell or who refuse to participate in the racial integration policy as defined in the Johnson v. State of California settlement agreement are subject to placement in the BMU program

5. INDECENT EXPOSURE

Inmates found guilty of one or more serious Rules Violation Reports for "Indecent Exposure" may be eligible for BMU placement.

CLASSIFICATION HEARING COMMITTEE

The ICC or UCC is responsible for the placement of eligible inmates into the BMU Program. Inmates who meet the criteria for placement in the BMU Program shall be placed in Work Group C and Privilege Group C. Initial placement shall be for a minimum of 90 days. Subsequent BMU placements shall be for a minimum of 180 days.

The UCC shall be responsible for establishing the inmates Individualized Treatment Plan (ITP) within 14 days of placement into BMU. The ITP will be based on each inmate's reason(s) for placement.

The UCC shall be responsible for providing the inmate with a notification of the rules and intent of the BMU Program. The CDC-128-G, Classification Chrono, must clearly state that the inmate was informed of the reason for placement, the length of placement, and any additional action the inmate must take to be removed from the BMU. All inmates placed in the BMU will have an Administrative Determinate applied, which will be coded as (M) on the CDC Form 840. This (M) code will be used for tracking purposes.

HEARINGS/INTERVIEWS

All CDC-115 hearings, classification, and interviews will be conducted in Facility BMU buildings.

INMATE TRANSFERS

Inmates placed in the BMU are ineligible for a non adverse transfer until released from the BMU. Exceptions to this prohibition include transfers required for security, such as placement in an ASU or SHU, transfers due to enemy concerns, as well as temporary out-to-court (OTC) or out-to-medical (OTM) purposes.

When an inmate must temporarily transfer OTC or OTM, the assessed BMU placement shall continue to apply until expired.

When an inmate must permanently transfer for reasons other than OTC or OTM, existing classification regulations and policies shall apply.

MANDATORY DRUG TESTING

All inmates placed in the BMU must submit to mandatory drug testing. All inmates must provide a minimum of one random drug test per month while assigned to the BMU.

MONTHLY STATUS REPORT

A monthly status report will be submitted to the Deputy Director of Adult Institutions via the Associate Director of High Security. This report will reflect pertinent BMU statistics (i.e. the number of Incident Reports, Rules Violation Reports, Inmate Appeals) and the number of inmates participating in each step of the program.

STEP PROCESS/ PRIVILEGES

Step 1: Initial Placement – Work Group C and Privilege Group C status: Authorized emergency phone calls only, one quarter monthly canteen draw allowance, a minimum of ten (10) hours per week of out-of-cell time which includes dayroom, workshops, and self help group activities as limited by physical design, local institution security and facility needs. Out-of-cell time is limited to contact with BMU inmates and non-contact visits. If the inmate meets the goals of the ITP, he will graduate to Step 2.

Step 2: Work Group C and Privilege Group C status: One (1) phone call per month, one half monthly canteen draw allowance, a minimum of ten (10) hours out-of-cell time per week, which includes dayroom, workshops, and self help group activities as limited by physical design, local institution security and facility needs and non

contact visits. If the inmate meets the goals of the ITP, he will graduate to Step 3.

Step 3: Work Group B and Privilege Group B status: Inmate assigned into a half time work assignment in BMU only. One (1) phone call per month, one-half monthly canteen draw allowance, a minimum of ten (10) hours out-of-cell time per week, which includes yard, dayroom, workshops, and self help activities as limited by physical design, local institution security and facility needs, and contact visits. If the inmate meets the goals of the ITP, he will graduate to Step 4.

Step 4: Upon completion of the ITP, inmates will be returned to traditional GP housing.

FIRST BMU PLACEMENT

- 90 day BMU placement beginning the date of the ICC or UCC action.
- All unauthorized property, including appliances, shall be disposed of as provided in CCR, Section 3191(c).
- Work Group C effective the date of placement into the BMU for a minimum of 90 days.
- Inmate must submit a written request to their assigned Correctional Counselor I (CCI) to appear before the UCC for consideration for removal from the BMU.
- Inmate must remain disciplinary free during the BMU placement period.
- Additional conditions of release as imposed by UCC.

SUBSEQUENT BMU PLACEMENTS

- 180 day BMU placement beginning the date of the ICC or UCC action.
- All unauthorized property, including appliances shall be disposed of as provided in CCR, Section 3191(c).
- Work Group C effective the date of placement into BMU, for a minimum of 180 days.
- Inmate must submit a written request to the assigned CCI to appear before the UCC for consideration for removal from the BMU.
- Inmate must remain disciplinary free during the BMU placement period.
- Additional conditions of release as imposed by the UCC.

In each case of BMU placement, release from the BMU is based upon completion of the term assessed by the appropriate classification committee and compliance with additional terms and conditions.

Inmates retained in the BMU for failure to meet additional conditions of release shall have their status reviewed every 30-days by the UCC. All inmates entering the BMU will be designated as Work Group C and Privilege Group C effective the date of placement. The BMU UCC will complete an initial assessment and develop an ITP with necessary educational programs.

The UCC will inform the inmate he must remain disciplinary free and complete the ITP as directed before being released from the BMU. The ITP may include, but is not limited to, completion of anger management programs such as Breaking Barriers and Cage Your Rage, as well as, participation in other self help groups. The inmate must remain disciplinary free during the entire program. If the ITP has been completed, or significant progress has been made, the inmate will graduate to the next step as authorized by the UCC.

The BMU UCC review will determine if the inmate has successfully completed requirements, failed to meet requirements, or is eligible to graduate to the next step. Inmates retained will have a follow up review date with requirements to meet before their next BMU UCC.

OVERVIEW OF FACILITATED TREATMENT, EDUCATIONAL AND SELF-HELP GROUPS

Based on the reason for placement, each ITP may include one or more of the following programs:

- **A FRAMEWORK FOR BREAKING BARRIERS**

A Framework for Breaking Barriers: A Cognitive Reality Model is a video training series designed for use with men and women who are in correctional settings. The series is very effective at creating within its participants, an awareness that change is possible and then providing tools to develop cognitive thinking skills so change can take place. The sessions in this video series lead participants to recognize that controlling how we think is a learnable process. The series is application driven by workshops following each session. The workshops provide hands-on practice in using the concepts on a daily basis. *A Framework for Breaking Barriers: A Cognitive Reality Model* is designed to be conducted by on-site facilitators.

Author: Gordon Graham & Company, Inc.

Duration: 17 video/workbook sessions, approximately 1-1.5 hours each.

- **CAGE YOUR RAGE**

Cage Your Rage – An Inmate’s Guide To Anger Control helps offenders recognize their angry feelings, learn their causes, and deal with them in a new way, a responsible way, probably not the way they learned to deal with them in the past. The book’s easy-to-read style and workbook format make it an ideal self study program for offenders. According to Carol Travis, author of the book, *Anger; The Misunderstood Emotion*, incarcerated individuals often have a problem controlling their emotions. *Cage Your Rage* is based on an anger management program developed at Saskatchewan Penitentiary and used successfully at several other Canadian institutions. The author, Murray Cullen, is the Correctional Psychologist who developed the program.

Author: Murray Cullen

Duration: 92 page, 4 chapter workbook. Takes approximately 2 weeks to complete.

- **A FRAMEWORK FOR RECOVERY**

A Framework for Recovery is a video based training series designed for men and women who face the challenge of overcoming a substance abuse problem. The series provides a framework of concepts and techniques that focus on the underlying barrier to recovery. *A Framework for Recovery* provides critical thinking skills that assist the participant in making lifestyle changes that are necessary for long term recovery. The core program consists of 12 tapes (from 15-20 minutes each).

The series is application driven by workshops that provide hands on practice in using the concepts on a daily basis. *A Framework for Recovery* is designed to be conducted by men and women trained as on site facilitators.

Author: Gordon Graham & Company, Inc.

Duration: 12 sessions with workbooks and videos. Takes approximately 3 weeks to complete.

- **ALCOHOLICS ANONYMOUS**

Alcoholics Anonymous (AA) is a worldwide fellowship of more than 100,000 alcoholic men and women who are banded together to solve their common problems and to help fellow sufferers in recovery from that age-old, baffling malady, alcoholism. AA is based on a 12 step program. These steps are a group of principles, spiritual in nature, which, if practiced as a way of life, can expel the obsession to drink and enable the sufferer to become happily and usefully whole.

AA is not affiliated with any other organizations. There are no initiation fees or dues or pledges to sign. Anyone may join regardless of age, race, sexual identity, creed, religion, or lack of religion.

- **NARCOTICS ANONYMOUS**

Narcotics Anonymous (NA) is a non-profit fellowship or society of men and women for whom drugs had become a major problem, who meet regularly to help each other stay clean. This is a program of complete abstinence from all drugs. There is only one requirement for membership, the desire to stop using. The program is a set of principles written so simply that inmates can follow them in their daily lives. The most important thing about them is that they work.

There are no strings attached to NA. NA is not affiliated with any other organizations, does not have any initiation fees or dues, no pledges to sign, no promises to make to anyone. NA is not connected with any political, religious, or law enforcement groups, and is under no surveillance at any time. Anyone may join regardless of age, race, sexual identity, creed, religion, or lack of religion.

A future self-help/educational program will be developed for those inmates who refuse to participate in racial integration or who refuse to double cell.

AUTHORIZED BMU PROPERTY

Authorized BMU property will be sent to the BMU with the inmate and noted on the CDC-1083, Inmate Property Inventory Form. Inmates placed into the BMU from ASU will send a GA-22, Inmate Request For Interview, to the designated institutional Property Officer requesting any additional allowable property and/or authorized legal property.

Inmates in the BMU may not possess any personal clothing, with the exception of athletic shoes and shower shoes. Authorized State issued clothing is outlined in Department Operations Manual (DOM), Section 54090.6. If property items are received at the institution that do not meet BMU specifications, the items will be returned to the sender at the inmate's expense. Property items found in the inmate's possession, which are not allowed or exceed specified limits, will be confiscated and treated as unauthorized property as outlined in the CCR, Section 3191(c).

The allowable property will not exceed six (6) cubic feet per the CCR, Section 3190. Only the below listed items are authorized to be possessed by inmates assigned to the BMU. These items may have been purchased through canteen, brought from another institution, and/or received through the mail in accordance with current departmental and institutional rules and regulations.

Wedding Band	one (plain metal only)
Soft cover religious material, dictionary	one each
Prescription eyeglasses, clear lens only	one each (as prescribed by a physician)
Athletic shoes	one pair
Shower shoes	one pair
Lined paper tablet	one each
Embossed envelopes	15
Legal material	as authorized
Canteen items	not to exceed one month's draw by privilege group

READING MATERIALS

BMU inmates will be allowed the same recreational reading materials as is allowed to all A or B Privilege Group inmates. All issued allowable recreational reading materials are to be kept inside the cell and will be issued on a one-for-one exchange for each inmate assigned to the cell.

The following are the recreational reading materials allowed inside of the cell:

Newspaper	one per inmate (one-for-one exchange)
Magazine	one per inmate (one-for-one exchange)
HDSP Library books	per recreational library policy

The exchanged recreational reading material will be sent home at the inmate's expense or donated per the CCR, Section 3191.

The following are the reading materials allowed inside the cell in addition to the one-for-one exchange as previously noted in the Personal Property Request Form.

Religious material	one only per inmate (soft cover only)
Dictionary	one only per inmate (soft cover only)

In addition to the above listed property, BMU inmates are authorized to possess in-cell study program documents associated with the ITP defined by UCC.

RELIGIOUS SERVICES

All religious services will be conducted in-cell or in the designated BMU as limited by physical design, local institution security, and facility needs.

CANTEEN

BMU inmates will be allowed only one (1) draw per month. Canteen card orders may be submitted for up to \$45.00 for Privilege Group C and \$90.00 for Privilege Group B.

Canteen ducats will normally be passed out by the BMU Officer. The Facility BMU Officer will collect and deliver the CDC-184, Canteen Draw Order Forms, to the Facility Canteen for the Facility BMU.

After submitting the CDC-184, the Canteen will generate an approved list. The Officer will give only the approved inmates the canteen order forms.

BMU staff will collect and review the canteen requests. The requests will be taken to the appropriate Canteen where the order will be filled. Canteen orders will be picked up by unit staff and delivered to the buildings. Inmates will be required to sign the order slip for canteen items received upon issuance.

The Canteen Supervisor will notify the BMU staff when the canteen orders are ready to be picked up and delivered to the BMU inmates. Canteen orders will be confirmed by the BMU Officer along with the Canteen Supervisor and then delivered to the inmate. The inmate and Officer will inventory the items and confirm the charges with the sales receipt. If the order is correct, the inmate will sign the Canteen Order Form, which will be returned to the Canteen.

MEALS

Inmates assigned to the BMU will receive the same meals as all inmates assigned to the GP. Two hot meals (breakfast and dinner) and one sack lunch will be served daily. BMU inmates will have no physical contact with GP inmates.

MAIL

All inmate mail will be processed per departmental and institutional procedures. All incoming mail (including legal mail) will be delivered by the Mailroom, Monday through Friday consistent with delivery of mail to general population inmates. All outgoing mail (including legal mail) will be picked up from inmates on Monday through Friday and delivered to the mailroom for processing.

PACKAGES

Quarterly/Annual packages are authorized for receipt by inmates housed within the BMU in accordance with their privilege group status.

LIBRARY

The Facility Library will provide services to inmates assigned to the BMU. The Librarian will ensure that the BMU staff receives an updated leisure reading catalog for review by the assigned inmates.

Inmates will complete a Book Request Form delineating the requested books. The Book Request Forms will be collected by BMU staff. Book returns will also be collected at the same time.

When requesting books, inmates will also submit a signed CDCR-193, Trust Account Withdrawal Form, which will be returned by the librarian when the books are returned.

The assigned Officer will hand carry the book request and returned books to the library. Once the requests have been filled by the Librarian, the BMU staff will retrieve and issue the items to the inmates. Inmates will be allowed to check out one (1) book for two weeks. Inmates will be held responsible for lost or damaged books. Lost or damaged books will result in a CDC-115 and appropriate disciplinary action, which may include withdrawal of funds and loss of library privileges.

LEGAL LIBRARY

Any inmate housed in the BMU may utilize the library on specific days by completing a Law Library Access Request Form.

Access Forms will be available in all housing units and issued by the BMU staff who will forward the request to the Facility Library Technical Assistant, who will then verify the inmate's legal status.

An index of available legal books and materials will be posted in the Facility Law Library. All available resources are provided upon request. Inmates requesting to utilize the copy service will fill out a Law Library/Copy Request Form and a CDC-193, Trust Account Withdrawal Form. Indigent inmates are also required to fill out the forms.

HEALTH CARE SERVICES

The Registered Nurse will screen all CDC-7362, Health Services Request Forms, and determine the priority to see the physician. Inmates will be conducted to medical appointments as needed. A Medical Technical Assistant (MTA) will conduct daily rounds in the BMU. The MTA will also collect the Health Care Services Request Forms at this time.

DENTAL SERVICES

The inmate will request to see a dentist by completing a CDC-7362, Health Care Services Request Form. The dentist will be informed of the inmate's request and will schedule appointments as required.

MEDICATION

All medication to be issued for the day will be dispensed by the MTAs making scheduled rounds.

PSYCHIATRIC TREATMENT

Mental Health services may be obtained by the inmate's submission of a CDC-7362, Health Care Services Request Form, or through staff referrals.

SHOWERS

Inmates housed within the BMU will be afforded the opportunity to shower during authorized dayroom periods.

VISITS

BMU inmates are permitted visits with their approved visitors. All visits for Step 1 and 2 inmates will be non contact, which includes attorney visits. Inmates at Step 3 will be afforded contact visits.

ASSIGNMENTS

Work assignments for BMU housed inmates are limited to building porters.

Please inform all concerned persons of this AB. This Pilot Program shall remain in effect for a 24 month period beginning November 21, 2005, through November 21, 2007, at which time it will lapse by operation of law or will be promulgated through the

Administrative Procedures Act. Please direct any inquiries regarding this Bulletin to Tom Felker, Warden (A), High Desert State Prison at (530) 251-5050.

JOE McGRATH

Chief Deputy Secretary
California Department of Corrections and Rehabilitation

APPENDIX B

Title 15: CCR § 3341.5

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE
CHAPTER 1. RULES AND REGULATIONS OF ADULT OPERATIONS AND
PROGRAMS

SUBCHAPTER 4. GENERAL INSTITUTION REGULATIONS
ARTICLE 7. SEGREGATION HOUSING

This database is current through 5/16/08, Register 2008, No. 20

§ 3341.5. Segregated Program Housing Units.

Special housing units are designated for extended term programming of inmates not suited for general population. Placement into and release from these units requires approval by a classification staff representative (CSR).

(a) Protective Housing Unit (PHU). An inmate whose safety would be endangered by general population placement may be placed in the PHU providing the following criteria are met:

- (1) The inmate does not require specialized housing for reasons other than protection.
- (2) The inmate does not have a serious psychiatric or medical condition requiring prompt access to hospital care.
- (3) The inmate is not documented as a member or an affiliate of a prison gang.
- (4) The inmate does not pose a threat to the safety or security of other inmates in the PHU.
- (5) The inmate has specific, verified enemies identified on CDC Form 812 likely to and capable of causing the inmate great bodily harm if placed in general population.
- (6) The inmate has notoriety likely to result in great bodily harm to the inmate if placed in general population.
- (7) There is no alternative placement which can ensure the inmate's safety and provide the degree of control required for the inmate.
- (8) It has been verified that the inmate is in present danger of great bodily harm. The inmate's uncorroborated personal report, the nature of the commitment offense or a record of prior protective custody housing shall not be the sole basis for

protective housing unit placement.

(b) Psychiatric Services Unit (PSU). An inmate with a diagnosed psychiatric disorder not requiring inpatient hospital care, whose conduct threatens the safety of the inmate or others, may be housed in a PSU if the inmate is capable of participating in the unit's activities without undue risk to the safety of the inmate or others in the unit.

(c) Security Housing Unit (SHU). An inmate whose conduct endangers the safety of others or the security of the institution shall be housed in a SHU.

(1) Assignment criteria. The inmate has been found guilty of an offense for which a determinate term of confinement has been assessed or is deemed to be a threat to the safety of others or the security of the institution.

(2) Length of SHU Confinement. Assignment to a SHU may be for an indeterminate or for a fixed period of time.

(A) Indeterminate SHU Segregation.

1. An inmate assigned to a security housing unit on an indeterminate SHU term shall be reviewed by a classification committee at least every 180 days for consideration of release to the general inmate population. An investigative employee shall not be assigned at these periodic classification committee reviews.

2. Except as provided at section 3335(a), section 3378(d) and subsection (c)(5), a validated prison gang member or associate is deemed to be a severe threat to the safety of others or the security of the institution and will be placed in a SHU for an indeterminate term.

(B) Determinate SHU Segregation.

1. A determinate period of confinement in SHU may be established for an inmate found guilty of a serious offense listed in section 3315 of these regulations. The term shall be established by the Institutional Classification Committee (ICC) using the standards in this section, including the SHU Term Assessment Chart (see section 3341.5(c)(9)), Factors in Mitigation or Aggravation (see section 3341.5(c)(10)), SHU Term Assessment Worksheet CDC Form 629-A, Rev. 3/96, Assessment of Subsequent SHU Term Worksheet CDC Form 629-B, Rev. 9/90, and SHU Time Computation Table (see CDC Form 629-D, Rev. 7/88).

2. The term shall be set at the expected term for the offense in the absence of mitigating or aggravating factors. Deviation from the expected term shall be supported by findings pursuant to

subsection (c)(7).

3. The terms shall be recorded on CDC Form 629-A, SHU Term Assessment Worksheet, using the SHU Time Computation Table which incorporates one-fourth clean conduct credit in the term. The computation shall establish a maximum release date and a minimum eligible release date (MERD). A copy of the CDC Form 629-A shall be given to the inmate.

4. Serious misconduct while in SHU may result in loss of clean conduct credits or an additional determinate term for an inmate serving a determinate term. Such additional term may be concurrent or consecutive and shall be recorded on CDC Form 629-B with a copy given to the inmate. Such cases shall be referred to a CSR for approval; however, all release and retention requirements of section 3339 shall remain in effect pending CSR approval.

5. Up to 45 days of a SHU inmate's clean conduct credits may be forfeited for disciplinary infractions that are not serious enough to warrant the assessment of a subsequent or concurrent SHU term. Such forfeiture may be assessed against credits already earned or future credits.

6. Consecutive SHU terms shall be assessed only for offenses occurring after commencement of a prior determinate SHU term.

7. The ICC may commute or suspend any portion of a determinate term. Once commuted, the term shall not be reimposed. If suspended, the period of suspension shall not exceed the length of the original term imposed. When either action occurs, the case shall be referred to a classification staff representative (CSR) with a placement recommendation.

8. The Unit Classification Committee shall conduct hearings on all determinate cases at least 30 days prior to their MERD or during the eleventh month from the date of placement, whichever comes first.

(3) Release from SHU. An inmate shall not be retained in SHU beyond the expiration of a determinate term or beyond 11 months, unless the classification committee has determined before such time that continuance in the SHU is required for one of the following reasons:

(A) The inmate has an unexpired MERD from SHU.

(B) Release of the inmate would severely endanger the lives of inmates or staff, the security of the institution, or the integrity of an investigation into suspected criminal activity or serious misconduct.

(C) The inmate has voluntarily requested continued retention in segregation.

(4) A validated prison gang member or associate shall be considered for release from a SHU, as provided above, after the inmate is verified as a gang dropout through a debriefing process.

(5) As provided at section 3378(e), the Departmental Review Board (DRB) may authorize SHU release for prison gang members or associates categorized as inactive. The term inactive means that the inmate has not been involved in gang activity for a minimum of six (6) years. Inmates categorized as inactive who are suitable for SHU release shall be transferred to the general population of a Level IV facility for a period of observation that shall be no greater than 12 months. Upon completion of the period of observation, the inmate shall be housed in a facility commensurate with his or her safety needs. In the absence of safety needs, the inmate shall be housed in a facility consistent with his or her classification score. The DRB is authorized to retain an inactive gang member or associate in a SHU based on the inmate's past or present level of influence in the gang, history of misconduct, history of criminal activity, or other factors indicating that the inmate poses a threat to other inmates or institutional security.

(6) As provided at section 3378(f), an inmate categorized as inactive or validated as a dropout of a prison gang and placed in the general population may be returned to segregation based upon one reliable source item identifying the inmate as a currently active gang member or associate of the prison gang with which the inmate was previously validated. Current activity is defined as, any documented gang activity within the past six (6) years. The procedures described in this Article shall be utilized for the removal of the inmate from the general population, the review of the initial segregation order, and all periodic reviews of the indeterminate SHU term.

(7) Determinate SHU terms shall only be served in a departmentally approved SHU or a facility specifically designated for that purpose.

(8) When an inmate is paroled while serving a determinate term, the remaining time on the term is automatically suspended. When an inmate returns to prison, either as a parole violator or with a new prison commitment, ICC shall evaluate the case for reimposition of the suspended determinate term. If reimposed, the term shall not exceed the time remaining on the term at the time of parole.

(9) SHU Term Assessment Chart (fixing of determinate confinement to SHU).

OFFENSE	TYPICAL TERM (Mos)		
	Low	Expected	High
(A) Homicide:			
1. Murder, attempted murder, solicitation of murder, or voluntary manslaughter of a non-inmate.	(36)	48	60)
2. Murder, attempted murder, solicitation of murder, or voluntary manslaughter of an inmate.	(15)	26	36)
(B) Violence Against Persons:			
1. Assault on a non-inmate with a weapon or physical force capable of causing mortal or serious injury.	(09)	28	48)
2. Assault on an inmate with a weapon or physical force capable of causing mortal or serious injury.	(06)	15	24)
3. Assault on a non-inmate with physical force insufficient to cause serious injury.	(06)	12	18)
4. Assault on an inmate with physical force insufficient to cause serious injury.	(02)	03	06)
5. Throwing a caustic substance on a non-inmate.	(02)	03	04)
(C) Threat to Kill or Assault Persons:			
1. Use of non-inmate as hostage.	(18)	27	36)
2. Threat to a non-inmate.	(02)	05	09)
3. Threat to an inmate.	(02)	03	04)
(D) Possession of a Weapon:			
1. Possession of a firearm or explosive device.	(18)	27	36)
2. Possession of a weapon, other than a firearm or explosive device 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 inmate.	(06)	10	15)
(E) Trafficking in Drugs:			
Distributing controlled substances in an institution or camp or causing controlled substances to be brought into an institution or camp for the purpose of distribution.	(06)	09	12)
(F) Escape With Force or Attempted Escape with Force.			
	(09)	16	24)
(G) Disturbance, Riot, or Strike:			
1. Leading a disturbance, riot, or strike.	(06)	12	18)
2. Active participation in, or attempting to cause conditions likely to threaten institution security.	(02)	04	06)
(H) Harassment of another person, group, or entity either directly or indirectly through the use of the mail or other means.			
	(06)	12	18)
(I) Arson, Theft, Destruction of Property:			
Theft or destruction of State property where the loss or potential loss exceeds \$10,000 or threatens the safety of others.	(02)	08	12)
(J) Extortion and Bribery: extortion or bribery of a non-inmate.			
	(02)	06	09)
(K) Sexual Misconduct			
1. Indecent Exposure	(03)	06	09)
2. Sexual Disorderly Conduct (two or more offenses within a twelve month period)	(03)	06	09)
(L) Refusal to Accept Assigned Housing			
	(03)	06	09)
(M) Except as otherwise specified in this section, proven attempts to commit any of the above listed offenses shall receive one-half (1/2) of the term specified for that offense.			
(N) Any inmate who conspires to commit any of the offenses above shall receive the term specified for that offense.			

(10) Factors in mitigation or aggravation of SHU term. The SHU term shall be set at the expected range unless a classification committee finds factors exist which warrant the imposition of a lesser or greater period of confinement. The total period of confinement assessed shall be no less than nor greater than the lowest or highest months listed for the offense in the SHU Term Assessment Chart. In setting the term, the committee shall determine the base offense. If the term being assessed includes multiple offenses, the offense which provides for the longest period of confinement

shall be the base offense. Lesser offenses may be used to increase the period beyond expected term. After determining the base offense, the committee shall review the circumstances of the disciplinary offense and the inmate's institutional behavior history using the factors below. The committee shall then determine that either no unusual factors exist or find that specific aggravating or mitigating factors do exist and specify a greater or lesser term. The reasons for deviation from the expected term shall be documented on a CDC 128-G, Classification Chrono, and SHU Term Assessment Worksheet, a copy of which shall be provided to the inmate.

(A) Factors in Mitigation.

1. The inmate has a minor or no prior disciplinary history.
2. The inmate has not been involved in prior acts of the same or of a similar nature.
3. The misconduct was situational and spontaneous as opposed to planned in nature.
4. The inmate was influenced by others to commit the offense.
5. The misconduct resulted, in part, from the inmate's fear for safety.

(B) Factors in Aggravation.

1. The inmate's prior disciplinary record includes acts of misconduct of the same or similar nature.
2. The misconduct was planned and executed as opposed to situational or spontaneous.
3. The misconduct for which a SHU term is being assessed resulted in a finding of guilty for more than one offense.
4. The inmate influenced others to commit serious disciplinary infractions during the time of the offense.

STATE OF CALIFORNIA
SHU TERM ASSESSMENT WORKSHEET
 CDC 620-A (Rev. 3/96)

DEPARTMENT OF CORRECTIONS

CDC NUMBER	NAME (LAST, FIRST, MI)	INSTITUTION	UNIT
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1. RULE VIOLATION RESULTING IN SHU TERM ASSESSMENT
 (If more than one SHU assessable offense and no SHU term has been established, use most serious as base term and less serious as aggravation.)

a. Rule No. _____ Date Issued _____ Title _____

b. Specific Act _____
 (Must be an offense on SHU Term Assessment Chart.)

c. List range of months for the offense using SHU Time Computation Table.....

LOW EXP HIGH

d. Enter "expected" (mid-range) years, months, days of confinement.....

YR MO DAYS

2. FACTORS IN MITIGATION AND AGGRAVATION
 (Enter "NONE" for item 2c or indicate amount of time. Describe factors and document sources. Use only factors listed in the DOM 62050 or concurrent offenses.)

a. Mitigating Factors. Time subtracted for mitigations.....

YR MO DAYS

- 1)
- 2)
- 3)

b. Aggravating Factors. Time added for aggravations.....

YR MO DAYS

- 1)
- 2)
- 3)

c. Total time added or subtracted.....

YR MO DAYS

3. TOTAL SHU CONFINEMENT TIME ASSESSED.....
 (Subtract or add time for mitigation or aggravation to expected, item 1d plus or minus 2c) YR MO DAYS

4. DATE OF ADMINISTRATIVE SEGREGATION CONFINEMENT/VIOLATION.....

5. MAXIMUM DATE OF RELEASE FROM SHU.....
 (Add total time assessed to date of confinement, item 3 plus 4) YR MO DAY

YR MO DAY

6. MINIMUM SHU CONFINEMENT TIME TO SERVE.....
 (Enter 75% of the total SHU time (item 3) using the SHU Time Computation Table)

a. Date of confinement/violation (item 4)..... YR MO DAYS

YR MO DAY

7. MINIMUM ELIGIBLE RELEASE DATE (MERD).....
 (Add the minimum SHU time to the date of confinement, item 6 plus 6a)

YR MO DAY

8. FORFEITURE OF GOOD CONDUCT CREDITS FOR SUBSEQUENT MISCONDUCT
 (Enter "NONE" for item 8a or indicate the amount of time lost and describe and document the misconduct for which credit is being forfeited). SHU inmates may forfeit up to 45 days of clean conduct credits for each disciplinary infraction that is not serious enough to warrant the assessment of a subsequent or concurrent SHU term. Such forfeiture may be assessed against credits already earned or future credits.

a. Time forfeited for CDC 115 - Dated:..... YR MO DAYS

- 1)
- 2)

b. ADJUSTED MERD Cannot Exceed MAXIMUM.....
 (Add the amount of time forfeited to the prior MERD, item 7 plus 8a)

YR MO DAY

NAME AND TITLE OF STAFF COMPUTING TERM	DATE SIGNED	DATE ICC ESTABLISHED TERM
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DISTRIBUTION: ORIGINAL - CENTRAL FILE, YELLOW - INMATE, PINK - AUDITOR

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 314, 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).

HISTORY

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Editorial correction of printing errors in subsection (c)(2)(B)1 and CDC Forms 629-B and 629-D (Register 92, No. 5).
8. New subsection (c)(6)(H), subsection relettering, and amendment of Notefiled 7-29-93 as an emergency; operative 7-29-93 (Register 93, No. 31). A Certificate of Compliance must be transmitted to OAL 11-26-93, or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 7-29-93 order transmitted to OAL 11-18-93 and filed 12-31-93 (Register 94, No. 1).
10. Amendment of subsection (c)(2)(B)1. and 4., new subsection (c)(2)(B)5. and subsection renumbering, repealer of form CDC 629-A, and new form CDC 629-A filed 2-8-96 as an emergency per Penal Code section 5058(e); operative 2-8-96 (Register 96, No. 6). A Certificate of Compliance must be transmitted to OAL by 7-18-96 or emergency language will be repealed by operation of law on the

following day.

11. Certificate of Compliance as to 2-8-96 order including amendment of form CDC 629-A transmitted to OAL 6-17-96 and filed 7-30-96 (Register 96, No. 31).

12. New subsection (c)(2)(A)1. designator, new subsections (c)(2)(A)2. and (c)(4) and subsection relettering filed 1-21-99 as an emergency; operative 1-21-99 (Register 99, No. 4). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-30-99 or emergency language will be repealed by operation of law on the following day.

13. Certificate of Compliance as to 1-21-99 order transmitted to OAL 6-30-99 and filed 8-12-99 (Register 99, No. 33).

14. Amendment of subsections (c)(2)(A)1. and 2. and (c)(4), new subsections (c)(5) and (c)(6), subsection renumbering, amendment of newly designated subsection (c)(10) and amendment of Notefiled 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.

15. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).

16. Change without regulatory effect amending subsection (c)(2)(B)1. filed 10-16-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 42).

17. Amendment of subsection (c)(6) and Notefiled 5-25-2006; operative 5-25-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).

18. Change without regulatory effect amending subsection (b) filed 6-27-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 26).

19. New subsections (c)(9)(K)- (c)(9)(K)2., subsection relettering and amendment of Notefiled 2-23-2007 as an emergency; operative 2-23-2007 (Register 2007, No. 8). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 8-2-2007 or emergency language will be repealed by operation of law on the following day.

20. Certificate of Compliance as to 2-23-2007 order, including amendment of subsection (c)(9)(K)1.-2., transmitted to OAL 7-27-2007 and filed 9-5-2007 (Register 2007, No. 36).

21. New subsection (c)(9)(L) and subsection relettering filed 12-28-2007; operative 12-28-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 52).

APPENDIX C

Title 15: CCR § 3044

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE
CHAPTER 1. RULES AND REGULATIONS OF ADULT OPERATIONS AND
PROGRAMS
ARTICLE 3.5. CREDITS

This database is current through 5/16/08, Register 2008, No. 20

§ 3044. Inmate Work and Training Incentive Groups.

(a) Full-time and half-time defined.

(1) Full-time work/training assignments normally mean eight (8) hours per day on a five day per week basis, exclusive of meals.

(2) Half-time work/training assignments normally mean four (4) hours per day on a five day per week basis, exclusive of meals.

(b) Consistent with the provisions of sections 3375 and 3040.2(d) of these regulations, all assignments or reassignments of an inmate to a work/training incentive group shall be by a classification committee action in accordance with this section.

(1) Work Group F: Full-time conservation camp work assignment. Inmates eligible to earn day-for-day worktime credits under Penal Code section 2933 shall be awarded two days credit for each day of qualifying performance. An inmate's ability to earn two-for-one credit shall not begin until he/she is assigned and reports to an established position in the conservation camp setting. Conservation camp inmates eligible for two-for-one credit, as defined in this section, may be eligible for Work Group F credit during temporary removals from the conservation camp setting. Inmates who become ineligible for continued conservation camp placement for any reason shall be removed from Work Group F and assigned to an appropriate Work Group consistent with the remaining provisions of this section.

(2) Work Group A-1: Full-time work/training assignment. Inmates eligible to earn Penal Code section 2933 worktime credits shall be awarded one day credit for each day assigned to this work group. The work day shall not be less than 6.5 hours and the work week no less than 32 hours. Those programs requiring an inmate 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 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. A CDC Form 128-B or E chrono shall be placed in the inmate's central file stating the hours

of participation required for full-time sentence reduction credits. "Special assignment" shall be entered on the inmate's timekeeping log by the staff supervisor.

(A) Full-time educational and training program. Elementary school, high school, and vocational training programs require the same minimum hourly participation as the full-time work assignment.

(B) Combination programs qualifying as full-time. Any combination of half-time work, school or training program resulting in full-time assignment requires the same minimum participation as a regular full-time work assignment. Each combination half-time assignment requires the same minimum participation as a half-time work assignment.

(C) A full-time college program may be combined with a half-time work or vocational training program equating to a full-time assignment. The college program shall consist of 12 units in credit courses only leading to an associate degree in two years or a bachelor's degree in four years.

(D) A full-time Bridging Education Program requiring the same minimum participation as a regular full-time work/training assignment. Participation will be evaluated on course curriculum, instructor evaluation, and completed assignments.

(E) An inmate diagnosed by a physician and/or psychiatrist as totally disabled and therefore incapable of performing a work/training assignment, shall remain in Work Group A-1 throughout the duration of their total disability.

(F) An inmate when diagnosed by a physician and/or psychiatrist as partially disabled shall be assigned to a work/training assignment within the physical and/or mental capability of the inmate as determined by the physician and/or psychiatrist, unless changed by disciplinary action.

(3) Work Group A-2: Involuntarily unassigned.

An inmate willing but unable to perform in a full-time assignment shall receive three months credit for each six months served, or one day for each two days served, in the following status:

(A) The inmate is placed on a waiting list pending availability of a full-time work/training assignment.

(B) An unassigned inmate awaiting adverse transfer to another institution.

(4) Work Group B: Half-time work/training assignment. Half-time programs shall normally consist of a work/training assignment of four hours per workday, excluding

meals, five-days-per-week, or full-time enrollment in college consisting of 12 units in credit courses leading to an associate or bachelor's degree. The work day shall be no less than three hours and the work week no less than 15 hours.

(5) Work Group C: Voluntary unassigned. Zero credit.

(A) An inmate who refuses to accept or perform in a work/training assignment, or who is deemed a program failure as defined in Section 3000, and who is placed on non-credit earning status by a classification committee shall earn zero worktime credits.

(B) An inmate shall remain in zero credit earning status until classified for placement in a credit qualifying work group. An inmate must submit a written request for reclassification to be considered for assignment and removal from Work Group C no earlier than 30 days from the date of placement. The inmate shall be scheduled for a hearing within 30 days of receipt of the written request.

(6) Work Group D-1: Indeterminate lockup status. Except as provided in section 3044(b)(7)(C), an inmate assigned to a segregated housing program, shall be awarded three months credit for each six months served or one day credit for two days served. Segregated housing shall include, but not be limited to, the following:

(A) Administrative Segregation Unit (ASU).

(B) Security Housing Unit (SHU).

(C) Psychiatric Services Unit (PSU).

(7) Work Group D-2: Serving SHU term, deemed a program failure while on indeterminate or determinate lockup status, or voluntarily unassigned at the time of or subsequent to placement in ASU, SHU, or PSU. Zero credit.

(A) An inmate assigned to a determinate SHU term which included a forfeiture of credits shall not be placed in a credit earning assignment during the period of credit forfeiture or 180 days, whichever is less, starting from the date of change in custodial classification. An inmate confined in a secure housing unit for a division A-1 offense, as designated in section 3323(c) of these regulations, and which included great bodily injury on a non-prisoner shall not receive participation or work-time credits for up to 360 days. Upon completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee.

(B) An inmate's status in Work Group D-2 may be extended, in up to six-month increments, by a classification committee in unusual cases where no credit qualifying program can be assigned the inmate without causing a substantial risk of physical harm to staff or others. At the end of the designated period (six months or less), the determination shall be reviewed by an institution

classification committee.

(C) An inmate in ASU, SHU, or PSU, on indeterminate or determinate lockup status, who is deemed a program failure as defined in section 3000, may be assigned Work Group D-2 by a classification committee. An inmate assigned to Work Group C at the time of placement in ASU, SHU, or PSU, or who refuses to accept or perform work/training assignments, shall be assigned Work Group D-2. An inmate assigned to Work Group D-2 pursuant to this section must submit a written request for reclassification to be considered for removal from that Work Group. If Work Group D-2 has been assigned based solely upon the inmate already being assigned to Work Group C at the time of placement in ASU, SHU, or PSU, the request may be submitted no earlier than 30 days from the original Work Group C assignment date. If Work Group D-2 has been assigned following placement into ASU, SHU, or PSU, for refusing to accept or perform a work/training assignment, or for being deemed a program failure as defined in section 3000, the request for removal must be submitted no earlier than 30 days from the date Work Group D-2 was assigned. Subsequent to the mandatory 30 days placement on Work Group D-2, if the inmate submits a written request for removal, and Work Group D-2 has not been assigned pursuant to section 3044(b)(7)(A) or 3044(b)(7)(B), a hearing shall be scheduled within 30 days of receipt of the written request to consider removal from Work Group D-2.

(8) Work Group U: Unclassified. An inmate undergoing reception center processing is in this status from the date of their reception until classified at their assigned institution, unless the inmate is assigned to a full-time Bridging Education Program as described in this section. An inmate on unclassified status shall be granted three months credit for each six months served or one day credit for each two days served.

(c) Privileges. Privileges for each work/training incentive group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits required of the secretary, by statute, case law, governmental regulations, or executive orders. Inmate privileges shall be governed by an inmate'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 shall comply with rules and procedures and participate in assigned work/training activities.

(2) Privileges available to a work/training incentive group may be denied, modified, or temporarily suspended by a hearing official at a disciplinary hearing upon a finding of an inmate's guilt for a disciplinary offense as described in sections 3314 and 3315 of these regulations or by a classification committee action changing the inmate's custody classification, work/training group, privilege group, or institution

placement.

(3) Disciplinary action denying, modifying, or suspending a privilege for which an inmate 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.

(4) A permanent change of an inmate'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 privileges or privilege group shall not automatically affect the inmate's work/training group classification. Worktime credit earning shall be affected only by a work/training group change by a classification committee.

(5) No inmate or group of inmates shall be granted privileges not equally available to other inmates of the same custody classification and assignment who would otherwise be eligible for the same privileges.

(6) Changes in privilege group status due to the inmate's placement in lockup:

(A) An inmate housed in an ASU, SHU, or PSU shall be designated Privilege Group D. However, if assigned to a qualifying work/training program within the special housing unit, the inmate shall be assigned privileges of a higher group, if such privileges are available within the assigned housing unit.

(B) An inmate working in lockup units while serving a determinate SHU terms shall be retained in Privilege Group D only, irrespective of their work/training assignment.

(C) An inmate removed from the general population for disciplinary or administrative reasons shall surrender their privilege card to staff.

(7) An inmate in a re-entry furlough assignment shall be eligible for available privileges subject to working eight-hours-per-day and shall not require a privilege group designation. A re-entry inmate placed in a county facility shall be entitled to the same privileges accorded county prisoners and provided for under terms of the department's contract with the county facility.

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

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

(B) The inmate's continued eligibility and possession of the appropriate privilege card.

(C) The inmate's good conduct and satisfactory participation a work/training assignment.

(9) Inmates returned to custody from parole may be eligible to receive privileges based upon their satisfactory participation in a work/training assignment.

(d) Privilege Group A:

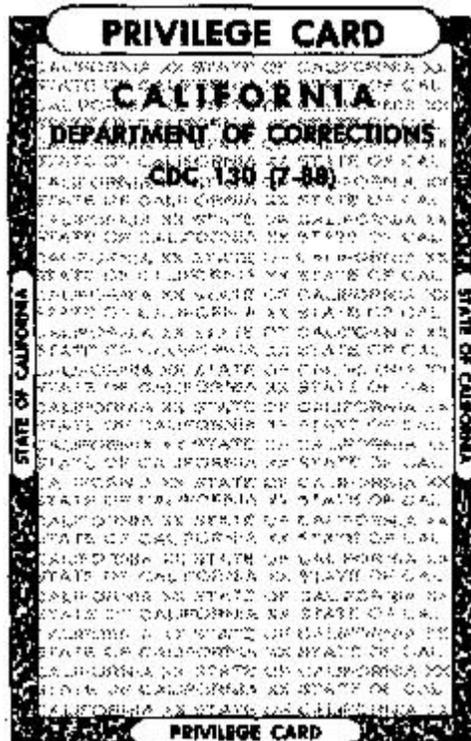
(1) Criteria:

(A) Full-time work/training assignment as defined in section 3044(a).

(B) An inmate diagnosed by a physician and/or psychiatrist as totally disabled shall remain in Privilege Group A unless changed by disciplinary action.

(C) An inmate designated by a physician and/or psychiatrist as partially disabled pursuant to section 3044(a) shall remain in Privilege Group A unless changed by disciplinary action.

(2) Any inmate classified and assigned to Privilege Group A shall receive a red CDC 130 Privilege Card with photo.



(3) Privileges for Privilege Group A are as follows:

(A) Family visits limited only by the institution/facility resources, security policy, section 3177(b), or other law.

(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(e)(2).

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

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

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

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

(G) The receipt of four personal property packages, 30 pounds maximum weight each, per year; exclusive of special purchases.

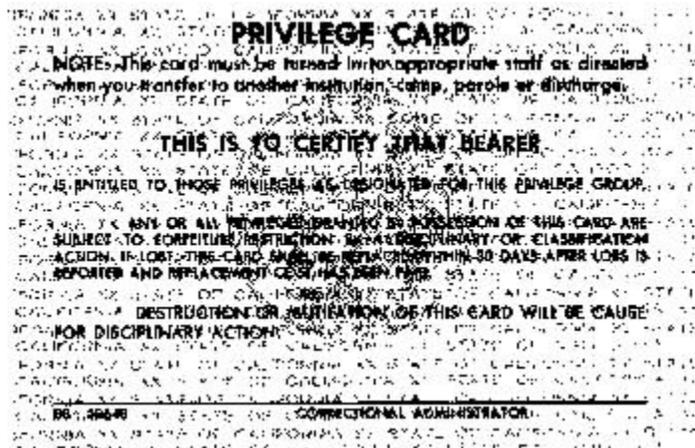
(e) Privilege Group B:

(1) Criteria, any of the following:

(A) Half-time work/training assignment as defined in section 3044(a) or involuntarily unassigned as defined in section 3044(a) or involuntarily unassigned as defined in section 3044(b).

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

(2) Any inmate in Privilege Group B shall not be issued a privilege card.



(3) Privileges for Privilege Group B are as follows:

(A) One family visit each six months, unless limited by section 3177(b) or other law.

(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.

(C) One-half the maximum monthly canteen draw as authorized by the secretary.

(D) One personal telephone access period per month.

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

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

(G) The receipt of four personal property packages, 30 pounds maximum weight each, per year, exclusive of special purchases.

(f) Privilege Group C:

(1) Criteria, any of the following:

(A) The inmate who refuses to accept or perform in a work/training assignment or is deemed a program failure as defined in section 3000.

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

(C) A classification committee action pursuant to section 3375 places the inmate into the group. An inmate 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 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.

(2) Any inmate in Privilege Group C shall not be issued a privilege card.

(3) Privileges and non-privileges for Privilege Group C are as follows:

(A) No family visits.

(B) One-fourth the maximum monthly canteen draw as authorized by the secretary.

(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access limited by local institution/facility security needs. No access to

any other recreational or entertainment activities.

(E) No personal property packages.

(g) Privilege Group D:

(1) Criteria: Any inmate housed in a special segregation unit, voluntarily or under the provisions of sections 3335-3345 of these regulations who is not assigned to either a full-time or half-time work/training assignment.

(2) An inmate in Privilege Group D shall not be issued a privilege card.

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

(4) Privileges and non-privileges for Privilege Group D are as follows:

(A) No family visits.

(B) One-fourth the maximum monthly canteen draw as authorized by the secretary.

(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access limited by local institution/facility security needs. No access to any other recreational or entertainment activities.

(E) The receipt of one personal property package, 30 pounds maximum weight, per year, exclusive of special purchases as provided in Section 3190. Inmates shall be eligible to acquire a personal property package after completion of one year of Privilege Group D assignment.

(h) Privilege Group U:

(1) Criteria: Reception center inmates under processing.

(2) An inmate in this category shall not be issued a privilege card.

(3) Privileges and non-privileges for Privilege Group U are:

(A) No family visits.

(B) Canteen Purchases. One-half of the maximum monthly canteen draw as authorized by the secretary.

(C) Telephone calls on an emergency basis only as determined by

institution/facility staff.

(D) Yard access, recreation, and entertainment limited by local institution/facility security needs.

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

(F) No personal property packages.

(i) Inmates shall retain in their possession any privilege card issued them for eligibility to receive designated privileges. Each inmate shall present the card upon staff request in order to receive or participate in an authorized privilege, and may be denied the privilege if the card is not presented.

Note: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.3, 2935, 5005, 5054 and 5068, Penal Code; and In re Monigold, 205 Cal.App.3d 1224 (1988).

HISTORY

1. Change without regulatory effect of subsection (c)(1) and NOTE pursuant to section 100, title 1, California Code of Regulations filed 12-28-89 (Register 90, No. 1). For prior history, see Register 88, No. 50.
2. Relocation of (a) to section 3045, amendment of redesignated (c)(4)-(f), new subsections (c)(8)-(9) and (i) and subsection renumbering filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of printing errors (Register 92, No. 4).
4. Editorial correction of printing error in subsection (b)(1) (Register 92, No. 5).
5. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
6. Amendment of subsections (d)(3)(A) and (e)(3)(A) filed 2-27-95 as an emergency; operative 5-30-95 (Register 95, No. 9). A Certificate of Compliance must be transmitted to OAL by 11-6-95 or emergency language will be repealed by operation of law on the following day.
7. New subsections (f)(3)(H), (g)(4)(H) and (h)(3)(H) and amendment of Note filed 6-30-95 as an emergency; operative 7-1-95 (Register 95, No. 26) A Certificate of Compliance must be transmitted to OAL by 12-7-95 or emergency

language will be repealed by operation of law on the following day.

8. Amendment of subsections (d)(3)(A) and (e)(3)(A) refiled 11-7-95 as an emergency; operative 11-6-95 (Register 95, No. 45). A Certificate of Compliance must be transmitted to OAL by 4-14-96 or emergency language will be repealed by operation of law on the following day.

9. Certificate of Compliance as to 6-30-95 order transmitted to OAL 11-22-95 and filed 1-8-96 (Register 96, No. 2).

10. Editorial correction of History8 (Register 96, No. 21).

11. Reinstatement of subsections (d)(3)(A) and (e)(3)(A) as they existed prior to emergency amendment filed 5-30-95 pursuant to Government Code section 11349.6(d) (Register 96, No. 21).

12. Amendment of subsections (d)(3)(A) and (e)(3)(A) filed 6-7-96 as an emergency; operative 6-7-96 (Register 96, No. 23). A Certificate of Compliance must be transmitted to OAL by 10-7-96 or emergency language will be repealed by operation of law on the following day.

13. Change without regulatory effect amending subsection (e)(2) filed 7-16-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 29).

14. Certificate of Compliance as to 6-7-96 order transmitted to OAL 10-3-96 and filed 11-18-96 (Register 96, No. 47).

15. Repealer of subsections (f)(3)(H), (g)(4)(H) and (h)(3)(H) and amendment of Note filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-11-98 or emergency language will be repealed by operation of law on the following day.

16. Certificate of Compliance as to 1-2-98 order transmitted to OAL 6-9-98 and filed 7-21-98 (Register 98, No. 30).

17. Repealer of printed inmate time card, new subsection (b)(1), subsection renumbering and amendment of Note filed 10-23-2003 as an emergency; operative 10-23-2003 (Register 2003, No. 43). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-1-2004 or emergency language will be repealed by operation of law on the following day.

18. Change without regulatory effect amending subsections (d)(3)(A) and (e)(3)(A) filed 12-1-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 49).

19. Amendment of section and Note filed 12-30-2003 as an emergency; operative 1-1-2004 (Register 2004, No. 1). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 6-9-2004 or emergency language will be repealed by operation of law on the following day.
20. Amendment filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
21. Certificate of Compliance as to 10-23-2003 order transmitted to OAL 3-19-2004 and filed 5-3-2004 (Register 2004, No. 19).
22. Withdrawal and repeal of 12-30-2003 amendments filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 9-24-2004 or emergency language will be repealed by operation of law on the following day.
23. Amendment of section and Note, including relocation of former subsection 3044(g)(4)(G) to new section 3190(i)(3), filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
24. Amendment of section, including further amendments, refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
25. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
26. Certificate of Compliance as to 6-17-2004 order, including further amendment of subsection (b)(5)(B), transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
27. Amendment filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).

APPENDIX D

Title 15: CCR § 3191

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE
CHAPTER 1. RULES AND REGULATIONS OF ADULT OPERATIONS AND
PROGRAMS
SUBCHAPTER 2. INMATE RESOURCES
ARTICLE 9. PERSONAL PROPERTY

This database is current through 5/16/08, Register 2008, No. 20

§ 3191. Property Registration and Disposition.

(a) Registerable personal property must be registered under the inmate's name and number in the institution's inmate property records.

(b) Inmates are required upon request by institution staff to properly account for all registerable personal property registered in their name and number. An inmate's failure to possess or properly account for personal property registered in the inmate's name and number, or possession of property which is not registered in the inmate'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 approval to possess the property is rescinded.

(c) Inmate personal property not meeting the criteria in section 3190, shall be disposed of in accordance with this section. An inmate shall select one of the methods listed below for disposing of non-allowable personal property which is unauthorized pursuant to subsection (b) and section 3190. If the inmate 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) will be disposed of by staff determination.

(1) Mail the item to an address of an individual willing to accept the personal property, provided by the inmate, via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient trust account funds.

(2) Return the item to the sender via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient trust account funds.

(3) Donate the item to a charitable organization as designated by the

institution/facility.

(4) Donate the item to the institution/facility.

(5) Render the item useless and dispose of it according to institution/facility procedures.

(d) Inmates 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.

HISTORY

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).

2. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).

3. New subsection (c) and Note filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

4. Amendment of section and Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

6. Amendment of subsection (c) and amendment of Note filed 8-13-2007 as an emergency; operative 8-13-2007 (Register 2007, No. 33). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 1-22-2008 or emergency language will be repealed by operation of law on the following day.

7. Amendment of subsection (c) and amendment of Note refiled 1-23-2008 as an emergency; operative 1-23-2008 (Register 2008, No. 4). A Certificate of Compliance must be transmitted to OAL by 4-22-2008 or emergency language will be repealed by operation of law on the following day.

APPENDIX E

Behavior Modification Unit, High Desert State Prison Protocol for Interviews with Correctional Staff

I am talking with captains and other correctional staff about the Behavior Modification Unit to find out what they think of it – what they think is helpful to their management of the General Population Units and/or what they think is not so helpful. This interview is confidential. Nothing you tell me will be linked to you in any way, and no one else will see my notes – no one here at High Desert or at Headquarters.

This interview is voluntary. You do not have to answer any of my questions, and you may end our talk together at any time.

I have what is called an Informed Consent Form that I would like you to read and sign. It is basically to inform you about the confidentiality of our talk and that you may stop our conversation at any time.

1. This program is called the Behavior Modification Unit. What is Behavior Modification?
2. What do you think is the primary purpose of the BMU?
 - Deterrence
 - Treatment
 - Punishment
 - Segregating Problem Inmates from the General Population
 - OtherIf Other, please specify:
3. What need do you think was met by the creation of the BMU?
4. What duties have you been assigned within the BMU?
5. What do you think are the objectives of the BMU?
6. What is your understanding of how someone is selected for the BMU?
Is this always followed?
If no, why is this the case?
7. What can you tell me about the Individualized Treatment Plan (ITP)?
To what extent is the ITP's followed?
8. Do you think that the BMU has been implemented as intended? Yes No
If no, how is it different?
9. In your opinion, is the BMU program working? Yes No
If no, why not?
If yes, in what way(s) is it working?

10. As far as you know, is there an effort at High Desert to determine if the BMU is working?
Yes No Don't Know

If yes, has there been an effort to change what has not been working?

11. Would you describe your impression of the BMU as being:

- Very Positive,
- Somewhat Positive,
- Indifferent,
- Somewhat Negative, or
- Very Negative?

Why?

12. Would you describe your colleagues' impression of the BMU as being:

- Very Positive,
- Somewhat Positive,
- Indifferent,
- Somewhat Negative, or
- Very Negative?

Why?

13. What do you think are the best features of the BMU?

14. What do you think could be improved?

15. What do the inmates in the BMU think about the BMU?
Why do they think this?

16. What do the inmates in the General Population think about the BMU?
Why do you think this?

17. Did you receive any BMU training when you started working in the unit?

18. Have you received any subsequent/refresher training?

19. In your opinion, has the BMU had an effect on the General Population? Please specify:
Has it impacted the safety of General Population inmates?
What effect has it had?

Has it impacted the safety of General Population staff?
What effect has it had?

20. Has the BMU made it possible for programming to occur more normally in the General Population Units?
Yes No Don't Know

21. Have you noticed any difference in the behavior of BMU inmates when they have returned to the General Population?

Yes No Hard To Say

22. If yes, do you consider these changes to be positive or negative?

23. In your opinion, what type of offender benefits most from placement in the BMU?

24. Would you like to see the BMU program continued here at High Desert?

Yes No

If no, why not?

25. If yes, would you like to see it expanded? Yes No

Why, or why not?

26. Is there anything about the BMU that we haven't covered that you think I should know?

APPENDIX F

Summary of BMU Correctional Staff Interviews

This summary information is generalized from a total of eight interviews with correctional staff at HDSP since the BMU was implemented in November 2005. Five staff interviews were conducted in November 2006 and three in July 2007.

Staff understanding of Behavior Modification and the BMU program

- Staff had a vague impression that Behavior Modification is used to change behavior; however, they did not appear to understand how Behavior Modification is intended to work or the theory behind its use.
- Staff indicated that they believe that the BMU program offers inmates reinforcement for positive behavior.
- Staff indicated that the purpose of the BMU program is to give disruptive inmates the opportunity, tools, and skills to change their behavior.

Staff training

- Staff reported that they were given the BMU operation procedures to review, but they received no formal training.
- There has been no follow-up or refresher training provided since implementation of the program.

Major problems with implementation of the BMU program at HDSP

The correctional staff indicated the following problems exist with the BMU program that is currently implemented at HDSP:

- ASU inmates are currently housed in the BMU unit, which is supposed to include only General Population inmates.
- ASU overflow has led to inmates referred to the BMU to be sent back to the referring yard. Other yards have limited or completely stopped referring inmates to the BMU because they expect them to be sent back.
- There is no incentive for inmates who refuse to share a cell to accept a cellmate; there is no motivation for them to do so.
- ASU overflow has led to BMU inmates being allowed to graduate from the program without completing all required elements. In some cases, inmates are allowed to graduate without ever sharing a cell, which is one of the rule violations that can be used to refer a General Population inmate to the BMU in the first place.
- Not all rule violations are being taken into consideration by the Unit Classification Committee (UCC) when determining if a BMU inmate should advance to the next step or even graduate from the program.
- Some correctional staff reported that they have stopped writing up some rule violations, because they are not being factored into the UCC's decisions.
- If General Population inmates are told that they will be sent to the BMU ahead of time, they can distribute their property to other inmates before staff has time to inventory all their possessions.

What the correctional staff think of the BMU program

- Staff members indicated that they believe the BMU program is effective, because inmates would prefer to be placed in the ASU rather than the BMU.
- Staff members believe that the program can be effective in changing inmate behavior if it is implemented as it was intended. Staff members indicated that inmates fail to take the program seriously anymore because they know that they can get out early and without fulfilling all program requirements, due to ASU overflow and inconsistent decisions by the UCC.
- Staff members indicated that they are frustrated by the inconsistent decisions made by the UCC and that inmates do not think it's a serious program.

Monitoring of the BMU program by the HDSP administration

The correctional staff is not aware of any effort made by administrative staff at HDSP to monitor the ongoing functioning of the BMU program.

Staff recommendations for improving the BMU program

- When inmates are initially placed in the BMU, they should not have any privileges for the first month; then they can earn privileges from there. Otherwise there is no real incentive to move to step 2.
- The program needs to be implemented consistently, so the inmates know that they have to fulfill all the program requirements to graduate, and the staff members know that what they are doing is relevant.
- Improve the consistency in determining: whether inmates are referred to the BMU; if referred inmates are placed in the program; and if BMU inmates are moved to a different step, retained at the current step, or graduated out of the program.
- Something needs to be done to motivate inmates who refuse to share a cell, so that they will accept a cellmate.
- BMU inmates should be sent back to the yards that initially referred them.
- Inmates should be monitored before they are sent to the BMU, so they cannot distribute their property to other inmates.
- Don't have multiple programs (i.e., BMU, general population, and protective custody) going on the same yard, because inmates from some of these programs are not supposed to mix.
- Increase the size of the BMU to accommodate more inmates.
- Increase the number of correctional and education staff when the unit is full of BMU inmates.

Continuing the BMU program at HDSP

Staff members indicated that they would like to see the BMU program that was originally implemented at HDSP be continued. However, if the program is kept the way it is now, they would prefer that the program be discontinued.

APPENDIX G

Summary of Other Interviews and Observations

In addition to interviews with correctional officers and inmates, the evaluation staff members observed a weekly staff meeting and UCC meetings. The researchers also met with many of the correctional staff affiliated with the BMU. They collected and reviewed the curriculum material from the instructors, visited the library, and learned about resources available. The instructor appears to be doing an outstanding job of preparing, teaching, and keeping track of the inmates' progress. He goes to the inmates one-by-one and attends to their educational needs. The instructor seems to be a highly motivated and dedicated individual who spends a great deal of time and effort creating possibilities for learning in an environment that presents many challenges and obstacles for education.

APPENDIX H

Behavior Modification Unit, High Desert State Prison Protocol for Interviews with Inmates

I am talking with men who are in the Behavior Modification Unit to find out what they think of it – what they think is helpful to them and what they think is not so helpful. This interview is confidential. Nothing you tell me will be linked to you in any way, and no one else will see my notes – no one here at High Desert or at Headquarters.

This interview is voluntary. You do not have to answer any of my questions and you may end our talk together at any time. Whether you talk with me or not will not help or hurt you in terms of your program or your time at High Desert.

I have what is called an Informed Consent form that I would like to ask you to sign. It basically is to inform you about the confidentiality of our talk and that you may stop our conversation at any time.

1. First of all, I am not going to ask you anything about your commitment offense, but I would like to ask you about where you are from and how long you have been at High Desert?
2. What has it been like here for you at High Desert before coming to the BMU?
3. Before coming to the BMU, did you have any jobs here at High Desert? If so, did you like them?
4. Before coming to the BMU, did you participate in any educational or treatment programs? If so,
 what were they?
 did you like them?
 were they helpful?
5. Before coming to the BMU, how did you pass your time?
 Did you have things to keep you busy?
 Was this a problem for you?
 What type of things do you feel should be offered to inmates here?
6. Did you have any particular problems with other inmates before the BMU?
 If so, what kind of problems?
7. Did you have any particular problems with the correctional officers in the General Population Units before BMU?
 Counselors or other prison staff?
 If so, what kind of problems?

8. Did you feel safe when you were in a General Population Unit?
Why or why not?
9. Why were you placed here in the Behavior Modification Unit?
10. Do you think that your being placed here was fair?
Why or why not?
If not seen as fair, what would have been a fair result for you?
11. What has it been like here for you in the BMU?
12. How do you pass your time here in the BMU?
Do you have things to keep you busy?
Is this a problem for you?
What type of things do you feel should be offered to inmates here?
13. Have you had any problems here with correctional officers or inmates?
If so, what kind of problems and why?
14. What things do you like about the BMU?
15. What things do you not like about the BMU?
16. Do you feel safe here?
Safer than in the General Population Units? Why or why not?
17. Do you think the BMU is mostly about treatment, somewhat about treatment or not
at all about treatment?
Why do you say this?
18. Do you think the BMU is mostly about punishment, somewhat about punishment, or
not at all about punishment?
Why do you say this?
19. Do you think the BMU has made a difference on the General Population Units?
Made inmates think before they get involved in negative behaviors?
20. In your opinion, what type of inmate benefits most from placement in the BMU?
21. Would you say you have been treated fairly here or not?
If not, why not?
22. What educational or self-help groups are available to inmates in the BMU?
Are you participating in any of them?
23. What do you think about the educational and treatment programs?

Have they been helpful? How so?

24. How have things been between you and the correctional officers in the BMU?
25. How have things been between you and the correctional counselors in the BMU?
26. How have things been between you and the teacher here in the BMU?
27. Who has been helpful to you?
If so, how?
28. Do you think the BMU program is providing you with what you need to stay out of trouble when you move back to a General Population Unit? Why or why not?
29. What do other inmates here in the BMU think about the BMU?
30. What do inmates in the General Population Units think about the BMU?
31. Tell me about something you remember. Something went wrong, there was a misunderstanding, an argument, some good news, or someone was helpful. Anything out of the ordinary that you recall.
32. Is there anything else about the BMU or your experience here that you think I should know about?

APPENDIX I

Summary of BMU Inmate Interviews

Reason for BMU assignment and perception of fairness

Most of the six inmates interviewed had been at HDSP less than six months, although one had been there for considerably longer. The specific reasons the inmates gave for being placed in the BMU ranged from too many generic Rules Violation Reports (115s) to refusing a cellmate. Several inmates claimed that they were sent from another prison directly to the BMU as punishment. Among the comments that they made regarding the perceived unfairness of their placement in the BMU are the following:

- Not justified.
- I shouldn't be here.
- 115s were based on lies made up against me.
- I got sent here because of an incident that involved 30 guys, but only 6 of us – all Black – were sent to the BMU.
- I shouldn't be here. They say the bulletin allows what they are doing, but it doesn't. There are no regulations or program rules. Any time you show any resistance to staff, they come down on you – charging you with things like delaying a peace officer – because you asked for a laundry basket.

Inmates' descriptions of their BMU experience

Two of the inmates spoke well of the workbook curriculum and the instructor. Others indicated that they spent much of their time reading or working on legal appeals. However, each of those interviewed gave the research staff many negative descriptions of their treatment in the BMU. Some of the accounts are rather typical prisoner complaints; others are serious allegations of mistreatment. The complaints that may be considered typical involve both minor complaints related to being incarcerated and those that allege flaws in programming and prison management:

- No programs, like AA, NA, which are on the main line.
- Deprivation and loneliness.
- It's Bullc__p. If it were fixed it could be helpful.
- Day room in BMU is dirty. Sanitation: walls are not cleaned. And inmates are reluctant to clean because there is no reward.
- They take recreational clothing (jumpsuit and socks), hygiene stuff, and books.
- Shouldn't send property home, already punished by coming here.
- Doing CDCR a favor by accepting a celli. Not having a celli is best for me, because I get frustrated.
- It's hard to get a job. Half-time inmates get jobs as first priority, and there are a limited number of jobs.
- Illegal – program is punishment. Gain from workbook. Guards don't respect the inmates.
- They don't allow us to grow here. The officers often bite into a confrontation with the officers.
- ASU inmates should not be mixed with BMU inmates.
- The floor is dirty. They have left a bird flying around and sh__ting on everything. There is food on the walls by the stairs, and it's been there for 5 months. They never clean the trays. The kitchen people don't wear hairnets – we are the dirty little secret.
- Some inmates kept in here 13 to 16 months even when they refuse to program.

- They never clean our tray slot, and they refuse to let us clean our toilets. They say supplies are out, or they say they are against regulations. We write it up, but it disappears.

Although we were unable to verify them, some of the allegations went well beyond typical prisoner complaints. Some involved racial issues, and others involved what would appear to be serious constitutional issues:

- Want programs, religious services, yard time, and more access to Law Library.
- I just wanted to program and go home. I would write 602s, but they block them – they delay our 602's. They keep asking me to make changes on my 602s and this ends up delaying it so the appeal time runs out, and it's too late.
- There was this time when we had been kept from the day room and canteen. A lot of inmates started kicking their doors. Not all, because some are sick and can barely walk. But we were all punished. We were taken outside and made to stand in the snow for over 2 hours. Some guys were only in boxers and socks. The guard, who was supposed to be in the tower, wrote 115s for all of us. But he couldn't have seen all of us kicking. He admitted he didn't see it, but he said he did what he was told to do.
- And out of the 28 in here, 22 are black, and the rest are Latinos. There is racism here.
- No yard or religious services, and restricted Law Library access. No other services are available that can be found on the main line.
- No, because of no access to yard, jobs, religious services, and limited access to Law Library.
- Lack of access to religious services, except for occasional visits by volunteers.
- Inconsistent assignment of inmates to BMU (case conference irrelevant).
- Grievances (602s) not handled in a timely manner (staff hold them up, ask for corrections, then hold them up again before asking for additional corrections and by that time it is too late to submit them – must be submitted within 15 days of an incident).
- Personal, irreplaceable family items taken and not returned after cell searches (items were not contraband).
- BMU is harsher than ASU (lose property when assigned to BMU, but not ASU); inmates assault staff to go to the less strict environment of ASU.
- Inadequate time to eat (approximately 5 minutes – if inmates try to keep tray longer, they are written up).
- Inmates are not given 1 hour of out-of-cell exercise time each day (or even 5 hours per week; some have had as little as 3 hours over several months).
- Entire group punished by being forced to stand in the snow for 2 hours (some with only boxers and socks). Medicines and medical equipment prescribed by medical personnel withheld.
- Mail sometimes withheld or tampered with; outgoing mail sometimes does not get out.
- Facility is dirty (including bird droppings from a sparrow that has been in the unit for 2 months; bird droppings get on food trays at times).
- No law clerk in the law library; have to use computers to access law rather than books.
- Use of "underground regulations."
- Inmates not given a written copy of the BMU rules and regulations.
- Do not always decontaminate inmates after gassing.

Perceptions of safety.

Some of those interviewed said that they don't feel safe anywhere at HDSP. Several others indicated that they felt safe as long as they did not have a cellmate, but that their insistence on

having a single cell got them to the BMU. Inmates spoke of fearing for their health, indicating that medical records did not follow them and those necessary medical devices and medicines were taken away. Several inmates described an incident when staff left one inmate on the floor with rectal bleeding and refused to take him to get medical attention.

- Another thing that happened was when they responded to a medical emergency – an inmate was bleeding from his rectum and they sent all these officers over here... When they got to his cell they said “It’s the f___ing N_____ again, let him die.” And they left him there.
- Inadequate medical attention (delays of several days for serious medical problems).
- Lack of facilities for physical handicaps (such as no handicap showers).
- I was on psych meds, and they bring them when they feel like it.

Treatment versus punishment

Although some inmates indicated that the BMU involved some treatment, all inmates who were interviewed indicated that they believed the program was mostly or all about punishment:

- Everything is deprived. No opportunity for rehabilitation services. No access to services and jobs.
- Inmates are made to clear sections, as a porter, but there are no rewards to do job. It’s supposed to be the COs job to clean, unless an inmate is given privilege. I’d be more willing to program if they didn’t take stuff.
- Basically punishment because you can do steps without doing curriculum, but it’s the only relevant treatment, since it helps cope with anger.
- Just the curriculum. No school. No job training/vocation.
- It should be about treatment, but now there is no motivation to program for those placed in BMU.
- Nothing like treatment or real education. Some can’t read, and there is no attempt to change literacy/no effort at all.
- Some believe it’s worthless – and I guess I would say it is too.
- Just punishment. Like there is no reason to accept a celli. You see they remove all motivation for cooperation with loss of TV – and TV helps with stress.

Experience with BMU Officers and Counselors

Some reported that things were run well and that some correctional officers and staff were respectful. There were some problems that were relatively minor or more typical and others that were not. Among the more routine comments were the following:

- So-so. Not so bad. They’re a little respectful. Only one is disrespectful.
- No problems. I try to ignore them, and I don’t get written up.
- One thing, they run the day room late intentionally.
- The officers do not have respect for us. They come at us without respect – it is not like the CYA, juvie, or even county jail where you at least get some respect as a person.
- Confrontational, except for three.
- Only see those [counselors] at committee, once a month. Don’t get to talk to them.

Although we were not able to verify them, a number of serious allegations against officers were raised:

- Some officers try to provoke confrontations with the inmates (some want inmates to act out so they can put them on lockdown, which is easier for them given how understaffed they are).

- Horrible, they [counselors] lie constantly, deny your requests. Ignore the fact that the rules conflict with title 15.
- They aren't able to run the prison the way it's supposed to be run. They are understaffed so they can't run the prison correctly. And they work double. So they cause confrontations with us so they can put everybody on lockdown and make their job easier. They want you to act out because then it justifies what you are doing. And you get punished more if you try to get your rights.
- Lots of problems with correctional officers. They promote confrontations – promote physical confrontations. There is no one here to watch over these people. The Captain says he is “god of the BMU.” When they searched my cell they took letters from my family, photographs, my bible, a dictionary, coffee, tea and a hand print my little daughter did. They took my toothbrush and broke my pencil into little tiny pieces. The officers say they don't have these things – and we are allowed to have them. It was reprisal for filing 602s. If you send something to internal affairs, they send it back to the person you are complaining about and then the captain will say “You are going to pay for it.” You get punished more if you try to get your rights.
- They are disrespectful of inmates. They use the N word and have paraded inmates chained and naked after gassing without fully decontaminating them.
- Two of the officers mess with our mail, and one is always trying to get us into a confrontation....

Teacher and social workers

None of the inmates indicated any problems with the teacher assigned to the BMU or any of the social workers with whom they came into contact. Several had good things to say about them:

- Good. See him [teacher] twice a week to get new packages and homework. Also sees inmates on request.
- Interaction [with teacher] is non confrontational. He is always trying to encourage us to do the program.
- Social worker from Mental Health helped request medication. She got it started, and now I'm receiving meds.

Has the BMU made a difference on the General Population Units?

Although there were mixed responses regarding the influence of the BMU on the General Population Units, some program participants thought that it did have an impact:

- Yes, some. It has made inmates think before they get involved in negative behaviors
- No, they are still on lockdown.
- Inmates think twice before getting involved in something.
- Before BMU started, GP inmates didn't know what to expect from the program. After it started, GP inmates wanted to avoid it.

Type of inmate who benefits most from BMU placement

The perceptions of participants regarding the type of inmates who benefits from a BMU placement are mixed:

- Haven't seen any that would.
- It might help the guy who has enough common sense to learn the curriculum – to take it to heart.
- For those open to getting help with life and relationships.
- There might be some, but BMU for inmates who won't take a celli is wrong.

APPENDIX J

CDCR Form 115

STATE OF CALIFORNIA RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

CDC NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
VIOLATED RULE NO(S).		SPECIFIC ACTS	LOCATION	DATE	TIME
CIRCUMSTANCES					

REPORTING EMPLOYEE (Typed Name and Signature)	DATE	ASSIGNMENT	RDO'S
REVIEWING SUPERVISOR'S SIGNATURE	DATE	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: _____ DATE _____	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> PC

COPIES GIVEN INMATE BEFORE HEARING						
<input type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT		
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE	TIME

HEARING

REFERRED TO CLASSIFICATION HMT/AREA

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME

CDC 115 (7/88)