

**NOTICE OF PROPOSED REGULATIONS**  
**California Code of Regulations**  
**Title 15, Crime Prevention and Corrections**  
**Department of Corrections and Rehabilitation**

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, in order to implement, interpret and make specific PC section 5054, proposes to amend Sections 3000, 3043, 3334, 3336-3339, 3341.5, 3375-3375.5, 3377, 3378, and 3379 of the California Code of Regulations (CCR), Title 15, Division 3, concerning the Strategic Offender Management System (SOMS) automation of Classification and Segregation Housing.

**PUBLIC HEARING:**

Date and Time: February 9, 2015 from 10:00 a.m. to 11:00 a.m.  
Place: Department of Corrections and Rehabilitation  
Kern Room  
1515 S Street – North Building  
Sacramento, CA 95811

Purpose: To receive comments about this action.

**INFORMATIVE DIGEST**

In this regulatory action, the Secretary proposes to amend regulatory provisions by implementing the Strategic Offender Management System (SOMS) and Electronic Records Management System (ERMS) that upgrades and standardizes adult and parole data and population management practices statewide. The systems integrate to gather and compile offender information from all applicable modules and data entry screens. ERMS provides the ability for the conversion of the paper Central File (C-File), juvenile files, parole field files, or documents not contained within the SOMS application to be stored as electronic images that are contained within the ERMS application. Additionally, ERMS also provides the ability for those documents that are not contained in SOMS to be scanned into ERMS, and subsequently linked for easy retrieval from the SOMS application.

The inmate Central File (C-File) is a master file maintained by trained staff within the department containing records regarding each person committed to the jurisdiction of the department. The department has completed converting the paper C-Files into an electronic C-File, which is now called ERMS.

The classification process of felon inmates takes into consideration the inmate's needs, interests and desires, his/her behavior and placement score in keeping with the Department and institution's program and security missions and public safety. The current classification score system remains as established; however, existing text in Title 15, Article 10, Classification, must be revised to reflect the transition of moving from completing paper classification forms to electronic data entry of classification information.

This action provides the following:

- The addition of the definition of Electronic Records Management System (ERMS) to Title 15, Section 3000.
- The revision of text within Title 15, Article 10 Classification reflecting the transition from paper classification forms to electronic data entry of classification information within established SOMS screens.
- The conversion of existing "paper" documents not contained within SOMS to be stored as electronic images within the ERMS application.
- Regulatory language previously included on a form being removed that is still relevant is now included in the regulatory text.

**POLICY STATEMENT OVERVIEW**

The anticipated benefits of the proposed regulations will assist staff within the CDCR, as the information previously contained on paper is now contained in a fully automated system and is readily available to CDCR staff trained in the use of SOMS and ERMS. This information will also be available to multiple users statewide.

**EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to the manual processes of classifying inmates within CCR, Title 15, Division 3 and determined that these proposed regulations are not inconsistent or incompatible.

**LOCAL MANDATES:**

The Department has determined that these regulations do not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

**FISCAL IMPACT STATEMENT**

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

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES:**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT:**

These regulations are directed at the internal management of State prisons and do not impose any obligations, duties, fees, costs, responsibilities, reporting requirements, etc. on California businesses, large or small. No economic impacts have been brought to the attention of the Department. The Department has therefore concluded that these regulations will have no impact on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. Regarding benefits, these regulations will protect the health and safety of California residents, worker safety, and the State’s environment by providing a safe environment that will encourage visitation for families, which will have a positive impact on inmates, and increase worker safety.

**EFFECT ON SMALL BUSINESSES**

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

**EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying

out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**CONTACT PERSON:**

Please direct any inquiries regarding this action to:  
Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 445-2269

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Anthony Carter  
Regulation and Policy Management Branch  
Telephone (916) 445-2220

Questions regarding the substance of the proposed regulatory action should be directed to:

John McClure  
SOMS  
Enterprise Information Systems,  
California Department of Corrections and Rehabilitation  
(916) 358-1677

**WRITTEN COMMENT PERIOD:**

The public comment period will close February 9, 2015 at 5:00 p.m. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action (by mail, by fax, or by e-mail) to CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:**

The Department has prepared, and will make available, the text, any documents incorporated by reference, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, documents incorporated by reference, and Notice of Proposed Regulations will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons will be available on the Department's website at <http://www.cdcr.ca.gov>, and may also be obtained from the Department's contact person.