

FINDING OF EMERGENCY AND READOPTION OF EMERGENCY REGULATIONS

Authorized Property for Transgender Inmates [Government Code Section 11346.1(h)]

SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION

Background

The California Department of Corrections and Rehabilitation (CDCR) finds that an emergency continues to exist to justify readoption of the Department's emergency regulations concerning authorized property for transgender inmates. These emergency regulations, which affect Sections 3000, 3030, 3190, and 3269 of California Code of Regulations, Title 15, Divisions 3, were adopted pursuant to the *Quine v. Beard* settlement agreement and approved by the Office of Administrative Law on April 17, 2017, with an effective date of April 28, 2017. The Department further finds that the emergency regulations continue to be necessary to avoid serious harm to the inmate population.

To readopt these regulations, Government Code Section 11346.1(a)(2) requires that, "[a]t least five working days before submitting an emergency regulation to the [Office of Administrative Law], the adopting agency shall...send a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency." In addition, Government Code Section 11349.6(b) provides that after submission of the proposed emergency action to the Office of Administrative Law, the Office of Administrative Law "shall allow interested persons five calendar days to submit comments on the proposed emergency regulations..."

Necessity for Readoption of Emergency Regulations

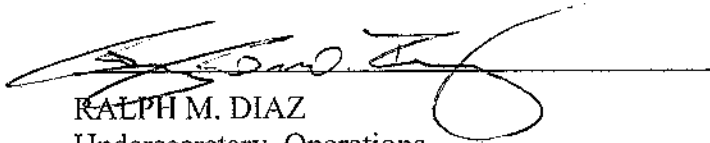
These emergency regulations were approved by the Office of Administrative Law (OAL) on April 17, 2017, and became effective on April 28, 2017, changing property allowances to grant inmates who identify as transgender or who have symptoms of gender dysphoria and who are housed at designated institutions to have access to property that corresponds to their identified genders. The emergency regulations were implemented by CDCR and hundreds of inmates have been able to access state-issued and personal property items and purchase property that corresponds to their gender identities. However, on the same day that the emergency regulations became effective, the District Court ordered CDCR to disseminate additional property items that were deemed by CDCR to be a threat to the safety and security of the institutions. Due to ongoing litigation related to the aforementioned court order, a timeline of said issues being provided in the "Showing of Substantial Progress" section, CDCR requested and was granted a 90-day readoption of these emergency regulations by OAL, which went into effect on October 6, 2017, and preserved inmates' access to property items that had already been disseminated.

If the emergency regulations were to expire before permanent regulations are promulgated, inmates may lose access to property that was issued to them and/or that they purchased, and may not be able to be issued further property and/or make further purchases until permanent regulations are promulgated. Additionally, if inmates are in possession of property that is no longer authorized in Title 15, it may be considered contraband and would be at risk of being confiscated. Inmates who identify as transgender or who have symptoms of gender dysphoria will benefit from OAL granting CDCR's request for a second 90-day readoption of these emergency regulations in light of the ongoing litigation issues in that said inmates will be able to have continued access to non-disputed property items while CDCR awaits a ruling from the Ninth Circuit regarding the District Court's April 28, 2017, order.

Showing of Substantial Progress

These emergency regulations were created pursuant to the settlement agreement in *Quine v. Beard*, N.D. Cal. Case No. 3:14-cv-2726; in accordance with the settlement agreement, Plaintiff's counsel was allowed to comment on CDCR's transgender property revisions. Plaintiff's counsel disagreed with CDCR's determination that certain property items created safety and security risks and filed a motion to enforce the settlement. On April 28, 2017, the District Court issued an order that expanded access to property of the opposite gender at all institutions, not just transgender "hubs," and allowed inmates in male institutions access to items that were disputed by CDCR.

On May 26, 2017, CDCR submitted a notice of appeal of the aforementioned order, which pertains to the scope and implementation of these regulations, to the Ninth Circuit. On July 20, 2017, CDCR filed a motion to stay the order with the District Court. The hearing on the motion to stay was originally scheduled for September 12, 2017, but was postponed to October 12, 2017, by the District Court; on October 12, 2017, the District Court denied to motion to stay. On November 3, 2017, CDCR filed a motion to stay with the Ninth Circuit. CDCR's opening brief to appeal the order was submitted on November 6, 2017, and the reply in support of the motion to stay was submitted on November 27, 2017. CDCR is currently awaiting a ruling from the Ninth Circuit on the stay motion. The appeal will be fully briefed in Spring of 2018.


RALPH M. DIAZ
Undersecretary, Operations
Department of Corrections and Rehabilitation

12-7-17
Date

The attached documents were submitted to the Office of Administrative Law on March 28, 2017, for review and approval with the emergency regulations and are therefore attached here too. The emergency regulations were approved by the Office of Administrative Law on April 17, 2017, with an effective date of April 28, 2017.

FINDING OF EMERGENCY

As required by Government Code (GC) Section 11346.1(b)(2)

Authority and Reference Citations (GC Section 11346.5 (a)(2))

The Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by GC Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3000, 3030, 3190, and 3269 regarding state-issued property, authorized personal property, and housing assignments for transgender inmates.

Informative Digest (GC Section 11346.5 (a)(3))

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

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

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

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

This action provides the following:

- Amends Section 3000 to alphabetically merge the definitions of “gender identity” and “transgender” with those already in the regulations. These definitions are established to provide clarity and context to staff, inmates, and the public regarding the use of the new terms within Title 15, Division 3.
- Amends Section 3030 to establish that transgender inmates who are housed at designated institutions shall be allowed to possess the state-issued clothing that corresponds to their gender identities in place of the state-issued clothing that corresponds to their anatomical sexes.
- Amends Section 3190 to establish the Transgender Inmates Authorized Personal Property Schedule (TIAPPS) (4/28/17), which is incorporated by reference and made available to the public in this notice package. The TIAPPS is necessary to make specific the authorized personal property items that may be possessed by transgender inmates, thereby ensuring that staff, inmates, and the public are aware of the specifications.
- Amends Section 3269 to establish that an inmate who self-identifies as transgender to a CDCR physician and whose identification as transgender has been documented as such in the Strategic Offender Management System, which is defined in Section 3000, by a CDCR physician shall be referred to a classification committee for a determination of appropriate housing at a designated institution.

Statutory Requirements, if Any, Specific to Agency (GC Section 11346.5 (a)(4))

N/A

Local Mandate Determination (GC Section 11346.5 (a)(5))

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to GC Sections 17500-17630.

Fiscal Impact Statements of Cost or Savings for the Following (GC Section 11346.5 (a)(6)):

- 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*

TEXT OF PROPOSED REGULATIONS

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

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 1. Behavior

Section 3000. Definitions.

Section 3000 is amended to alphabetically merge the definitions below with those already in the regulations.

Gender Dysphoria means distress caused by a conflict between a person's gender identity and the sex the person had or was identified as having at birth.

Gender Identity means a person's sense of identification as male, female, neither, or both.

Transgender means a person whose gender identity is different from the person's assigned sex at birth.

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

Article 2. State-Issued Inmate Clothing and Linen

Section 3030. Issuance and Possession of State Clothing and Linen.

Subsections 3030(a) and 3030(b) are unchanged but are shown for reference.

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

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

Subsections 3030(b)(1) through 3030(b)(3)(I) are unchanged.

New Subsection 3030(c) is adopted to read:

(c) Transgender inmates and inmates having symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel within a CDCR institution shall be allowed to possess the state-issued clothing that corresponds to their gender identities in place of the state-issued clothing that corresponds to their anatomical sexes at designated institutions.

Existing Subsections 3030(c) through 3030(d) are renumbered to new Subsections 3030(d) through 3030(f) and the text is unchanged.

(de)...

(ed)...

(fe)...

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

Subchapter 2. Inmate Resources

Article 9. Personal Property and Religious Personal Property

Section 3190. General Policy.

Subsections 3190(a) through 3190(c) are unchanged.

New Subsection 3190(d) is adopted to read:

(d) The Transgender Inmates Authorized Personal Property Schedule (TIAPPS) (4/28/17) identifies a separate list of allowable personal property afforded to transgender inmates and inmates with symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel within a CDCR institution, and is incorporated by reference. The TIAPPS shall be updated through the collaboration of all mission-based programs within the Division of Adult Institutions no more frequently than twice yearly. All changes to the TIAPPS shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code Section 5058.3.

The following two property lists are incorporated by reference:

(1) TIAPPS—Designated Male Institutions (4/28/17). This personal property schedule applies to transgender inmates and inmates having symptoms of gender dysphoria who are housed at male institutions.

(2) TIAPPS—Designated Female Institutions (4/28/17). This personal property schedule applies to transgender inmates and inmates having symptoms of gender dysphoria who are housed at female institutions.

Existing Subsections 3190(d) through 3190(u) are renumbered to new Subsections 3190(e) through 3190(v) and the text is unchanged.

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NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984 and *Armstrong v. Davis Court Ordered Remedial Plan*, Amended January 3, 2001; *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998; and *Quine v. Beard*, No. C 14-02726 JST.

Subchapter 4. General Institution Regulations

Article 1.6. Inmate Housing

Section 3269. Inmate Housing Assignments.

Sections 3269 through 3269(f) are unchanged.

New Subsection 3269(g) is adopted to read:

(g) Transgender inmates and inmates having symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel within a CDCR institution shall be referred to a classification committee for a determination of appropriate housing at a designated institution, pursuant to Article 10 of Subchapter 4.

Existing Subsection 3269(g) is renumbered to new Subsection 3269(h) and the text is unchanged.

(hg)...

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

FINDING OF EMERGENCY ADDENDUM

Evaluation of Consistency/Compatibility with Existing Regulations:

In developing the proposed regulations, the Department researched existing statutes and regulations regarding state-issued property, authorized personal property, and housing assignments for transgender inmates and inmates having symptoms of gender dysphoria and concluded that the proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

Documents Incorporated by Reference:

The Transgender Inmates Authorized Personal Property Schedule (4/28/17) is incorporated by reference and shall be made available to the public in the notice package.

Documents Relied Upon:

The Department, in proposing amendments to these regulations, has relied upon the following: the settlement agreement for *Quine v. Beard*, Case Number C 14-02726 JST, dated August 7, 2015, and the subsequent court recommendations entitled “Order Regarding Implementation of Settlement,” dated June 9, 2016; “Policy Review and Development Guide: Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Custodial Settings,” Second Edition, published by the National Institute of Corrections in 2015; CDCR COMPSTAT reports for 2015 (<http://www.cdcr.ca.gov/COMPSTAT/>); “Where The Margins Meet: A Demographic Assessment of Transgender Inmates in Men’s Prisons,” published by the University of California, Irvine on June 10, 2009 (<http://ucicorrections.seweb.uci.edu/files/2013/06/A-Demographic-Assessment-of-Transgender-Inmates-in-Mens-Prisons.pdf>); “Transgender Inmates in California’s Prisons: An Empirical Study of a Vulnerable Population,” a presentation given by the Center for Evidence-Based Corrections of the University of California, Irvine on April 8, 2009 (<http://ucicorrections.seweb.uci.edu/2009/04/14/transgender-inmates-in-californias-prisons-an-empirical-study-of-a-vulnerable-population/>); “The Problem of Gangs and Security Threat Groups (STG’s) in American Prisons and Jails Today: Recent Findings from the 2012 NGCRC National Gang/STG Survey” by George W. Knox, Ph.D, Executive Director of the NGCRC (<http://nicic.gov/library/027017>); Merriam-Webster Dictionary, electronically published in 2017 (<https://www.merriam-webster.com/dictionary/transgender>, <https://www.merriam-webster.com/dictionary/gender%20dysphoria>, and <https://www.merriam-webster.com/dictionary/gender%20identity>); “Transgender People, Gender Identity and Gender Expression” electronically published by the American Psychiatric Association in 2017 (<http://www.apa.org/topics/lgbt/transgender.aspx> and <http://www.apa.org/topics/lgbt/transgender.aspx>); and “Transgender Terminology,” electronically published by the National Center for Transgender Equality on January 15, 2014 (<http://www.transequality.org/issues/resources/transgender-terminology>).

TRANSGENDER INMATES

AUTHORIZED PERSONAL PROPERTY SCHEDULE

(4/28/17)

DESIGNATED MALE INSTITUTIONS.....PAGE 2

DESIGNATED FEMALE INSTITUTIONS.....PAGE 5

Transgender inmates and inmates having symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel within a CDCR institution who are housed at male institutions may possess the authorized personal property items listed in the “DESIGNATED MALE INSTITUTIONS” section of this schedule and in the Authorized Personal Property Schedule (APPS) (Rev. 4/1/14), which is incorporated by reference in Section 3190(b), specific to their security levels and privilege groups as described in Subsections 3190(b)(1) through 3190(b)(4). Transgender inmates and inmates having symptoms of gender dysphoria as identified and documented in SOMS by medical or mental health personnel within a CDCR institution who are housed at female institutions may possess the authorized personal property items listed in the “DESIGNATED FEMALE INSTITUTIONS” section of this schedule and in the APPS specific to their security levels and privilege groups as described in Subsection 3190(b)(5).

Despite the increase in allowable personal property items, the combined volume of state-issued and allowable personal property items possessed by a transgender inmate or an inmate having symptoms of gender dysphoria shall not exceed six cubic feet per Subsection 3190(d).

DESIGNATED MALE INSTITUTIONS

**PERSONAL CLOTHING ITEMS FOR TRANSGENDER INMATES/
INMATES HAVING SYMPTOMS OF GENDER DYSPHORIA**

- INMATES ARE PERMITTED TO WEAR SOLID COLORS ONLY, UNLESS OTHERWISE INDICATED.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING PERSONAL CLOTHING ITEMS IN ANY SHADE OR TINT OF GREEN, BLACK, BROWN, TAN, RED, OR BLUE, UNLESS OTHERWISE INDICATED.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING ITEMS WHICH ARE OBSCENE OR WHICH HAVE LOGOS, LETTERING, OR PICTURES WHICH ADVERTISE OR DEPICT ALCOHOL, GANGS, PROFANITY, SEX, WEAPONS, DRUGS, OR DRUG PARAPHERNALIA.

ITEM DESCRIPTION With additional requirements and restrictions.	GENERAL POPULATION LEVELS I, II, and III			GENERAL POPULATION LEVEL IV			SHU/PSU	ASU	
	PRIVILEGE GROUP								
	A	B	C	A	B	C	D	D	
BRASSIERES (White or gray only. No metal underwire, lace, strapless, see through, or pushup.)	7	7	7	7	7	7	7	7	
PANTIES (White or gray only. No thong, G-string, lace, see-through or pockets.)	10	10	10	10	10	10	10	10	
SANDALS (Beige, brown, or white only. No hidden compartments, zippers, or laces that are covered or concealed. Purchase value not to exceed \$75.)	1	1	1	1	1	1	0	0	
T-SHIRTS (White or gray only. Any combination of crew neck, v-neck, long sleeve, or sleeveless athletic tank-top. Turtle neck and mock turtle neck not permitted. The number of allowable t-shirts is combined with, and not in addition to, the number of allowable under shirts. Under shirts are as allowed in the APPS.)	5	5	5	5	5	5	3	0	
WALKING SHOES (Beige, brown, or white only.)	1	1	1	1	1	1	0	0	

**PERSONAL CARE/HYGIENE ITEMS FOR TRANSGENDER INMATES/
INMATES HAVING SYMPTOMS OF GENDER DYSPHORIA**

- NO ALCOHOL-BASED PRODUCTS AND NO AEROSOL CONTAINERS ALLOWED.
- NO METAL CONTAINERS OR CONTAINERS HAVING METAL TOPS OR BOTTOMS.
- PRODUCTS CONTAINING PHOSPHATES ARE NOT ALLOWED.
- MAKE UP PRODUCTS ARE ALLOWED AS DESCRIBED BELOW. THEY MUST BE NATURAL SKIN TONES PER CALIFORNIA CODE OF REGULATIONS, SECTION 3062, INMATE GROOMING STANDARDS.

ITEM DESCRIPTION With additional requirements and restrictions.	GENERAL POPULATION LEVELS I, II, and III			GENERAL POPULATION LEVEL IV			SHU/PSU	ASU
	PRIVILEGE GROUP							
	A	B	C	A	B	C	D	D
BODY SPLASH (10 oz. each max. No sprays or pumps.)	2	2	2	2	2	2	0	0
BLUSH (Natural skin tones only.)	2	2	2	2	2	2	0	0
COTTON BALLS	400	400	400	400	400	400	0	0
EMERY BOARD (Non-metal only.)	6	6	6	6	6	6	0	0
EYEBROW PENCIL/EYELINER (Factory sealed. Pencil only, no liquid. Natural skin tones only, i.e., black or brown in color.)	2	2	2	2	2	2	0	0
EYE SHADOW KIT (No mirrors. Kit shall not be altered. Natural skin tones only.)	2	2	2	2	2	2	0	0
FABRIC SOFTENER (Liquid, one bottle only, 36 oz. max.)	1	1	1	1	1	1	0	0
FACE POWDER (10oz. each max.)	2	2	2	2	2	2	0	0
FACIAL ASTRINGENT (10 oz. each max.)	2	2	2	2	2	2	1	0
FACIAL CLEANSER (10 oz. each max.)	2	2	2	2	2	2	1	0
FEMINE HYGIENE WASH	2	2	2	2	2	2	1	0
FOUNDATION (Natural skin tones only.)	2	2	2	2	2	2	0	0
HAIR GEL, SPRAY AND GEL CURL, BRAID SPRAY AND LOCK GEL	2	2	2	2	2	2	1	0
HAIR ROLLERS (Non-electric.)	30	30	30	30	30	30	0	0
LIP GLOSS/LIPSTICK/LIP LINER (Natural skin tone only.)	2	2	2	2	2	2	0	0
MASCARA (Factory sealed. Natural skin tone, i.e., black or brown.)	1	1	1	1	1	1	0	0
PUMICE BAR/PUMICE SPONGE (Combined with shower puffs/loofahs and	3	3	3	3	3	3	0	0

washcloths. Washcloths are as allowed in the APPS.)								
SCRUNCHIES (Black, white, or gray only. Combined total with hair ties. Hair ties are as allowed in the APPS.)	10	10	10	10	10	10	0	0
SHOWER BAG (At Warden's discretion. Mesh construction.)	1	1	1	1	1	1	0	0
SHOWER CAP (Must be both clear and colorless.)	1	1	1	1	1	1	0	0
SHOWER PUFFS/LOOFAHS (White only. Combined with pumice bar/pumice sponge and washcloths. Washcloths are as allowed in the APPS.)	3	3	3	3	3	3	0	0
TWEEZERS (Plastic only. Maximum of 3" long.)	1	1	1	1	1	1	0	0

**REGISTERABLE PROPERTY FOR TRANSGENDER INMATES/
INMATES HAVING SYMPTOMS OF GENDER DYSPHORIA**

ITEM DESCRIPTION With additional requirements and restrictions.	GENERAL POPULATION LEVELS I, II, and III			GENERAL POPULATION LEVEL IV			SHU/PSU	ASU
	PRIVILEGE GROUP							
	A	B	C	A	B	C	D	D
CHAIN OR NECKLACE (Yellow or white metal only. Purchase value not to exceed \$25. The chain or necklace shall be no more than 5 millimeters wide and 24" long.)	1	1	0	1	1	0	0	0

DESIGNATED FEMALE INSTITUTIONS

**PERSONAL CLOTHING ITEMS FOR TRANSGENDER INMATES/
INMATES HAVING SYMPTOMS OF GENDER DYSPHORIA**

- INMATES ARE PERMITTED TO WEAR SOLID COLORS ONLY, UNLESS OTHERWISE INDICATED.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING PERSONAL CLOTHING ITEMS IN ANY SHADE OR TINT OF GREEN, BLACK, BROWN, TAN, RED, OR BLUE, UNLESS OTHERWISE INDICATED.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING ITEMS WHICH ARE OBSCENE OR WHICH HAVE LOGOS, LETTERING, OR PICTURES WHICH ADVERTISE OR DEPICT ALCOHOL, GANGS, PROFANITY, SEX, WEAPONS, DRUGS, OR DRUG PARAPHERNALIA.

ITEM DESCRIPTION With additional requirements and restrictions.	GENERAL POPULATION LEVELS I, II, and III			GENERAL POPULATION LEVEL IV			SHU	ASU	
	PRIVILEGE GROUP								
	A	B	C	A	B	C	D	D	
ATHLETIC SUPPORTER	2	2	2	2	2	2	2	0	
BINDERS/COMPRESSION TOPS (White or gray only. The number of allowable binders/compression tops is combined with, and not in addition to, the number of allowable brassieres. Brassieres are as allowed in the APPS.)	7	7	7	7	7	7	7	7	
BRIEFS/BOXERS (White or gray only. For SHU and ASU inmates, boxers shall have no elastic on the leg opening.)	10	10	10	10	10	10	6	0	

**PERSONAL CARE/HYGIENE ITEMS FOR TRANSGENDER INMATES/
INMATES HAVING SYMPTOMS OF GENDER DYSPHORIA**

- NO ALCOHOL-BASED PRODUCTS AND NO AEROSOL CONTAINERS ALLOWED.
- NO METAL CONTAINERS OR CONTAINERS HAVING METAL TOPS OR BOTTOMS.
- PRODUCTS CONTAINING PHOSPHATES ARE NOT ALLOWED.

ITEM DESCRIPTION With additional requirements and restrictions.	GENERAL POPULATION LEVELS I, II, and III			GENERAL POPULATION LEVEL IV			SHU	ASU
	PRIVILEGE GROUP							
	A	B	C	A	B	C	D	D
AFTER SHAVE (Must be clear and in clear container only. 5 oz. each max.)	2	2	2	2	2	2	1	0