CHAPTER 5 — ADULT CUSTODY AND SECURITY OPERATIONS

ARTICLE 1 — PEACE OFFICER AUTHORITY

Revised February 29, 2009

51010.1 Policy
It is the policy of the California Department of Corrections and Rehabilitation (CDCR) to ensure that CDCR peace officer authority comports with applicable State statutes, regulation and mutual aid agreements.

51010.2 Purpose
The purpose of this Article is to clarify CDCR peace officer authority as it relates to inmates, paroles, and California law enforcement requests for assistance.

51010.3 Peace Officer Authority
CDCR peace officer authority is outlined in Penal Code (PC) Sections 830.2(d)(1) & (2) and PC 830.5. While normal CDCR peace officer authority applies generally to custody of inmates either inside or outside of a CDCR facility (e.g. escape pursuit and transportation/hospital custody, etc.) and parolees, appropriately trained and equipped CDCR peace officers can be authorized to act outside of normal duties during emergency and non-emergency situations as specified by law.

A CDCR peace officer has authority that extends to any place in the State while engaged in the performance of the duties of his/her respective employment and for the purposes of carrying out the primary function of his/her employment or as required under Sections 8597, 8598, and 8617 of the Government Code (GC).

51010.4 Emergency Assistance
When a government agency (city, county, state, federal) makes an emergency mutual aid request that meets the criteria contained in the State Mutual Aid Plan or the Law Enforcement Mutual Aid Plan, response protocol provided in these plans shall be followed.

GC Section 8597 authorizes that when the appropriate state official proclaims a state of emergency or when a state of war emergency exists, PC Section 830.5 CDCR peace officers have full powers and authority as outlined in PC Section 830.1. Criteria for activation of these plans include, but are not limited to, disasters which may result from flood, fire, earthquake, war, sabotage, or riots.

GC Section 8598 authorizes that when a local emergency exists, PC Section 830.5 peace officers have full powers and authority as outlined in PC Section 830.1. When acting as peace officers under PC Section 830.1, CDCR peace officers are authorized to exercise any powers which are appropriate or which may be directed by their superior officers.

51010.5 Non-Emergency Assistance (General Law Enforcement Assistance)

GC Section 8617 provides that the CDCR may exercise non-emergency mutual aid powers in accordance with the Master Mutual Aid Agreement and local ordinances, resolutions, agreements, or plans.

51010.6 Provision of Assistance in Emergency and Non-Emergency Situations

CDCR hiring authorities (e.g. Wardens, Regional Parole Administrators) are authorized to provide CDCR peace officer assistance to law enforcement agencies in emergency and non-emergency situations as consistent with the authority discussed herein.

Hiring authorities will notify their supervisors of provision of assistance (e.g. Wardens will notify their Associate Directors). Specially trained and equipped peace officers include, but are not limited to, Crisis Response Team members and Emergency Operations Unit personnel conducting tactical and negotiation operations, and Investigative Services Unit members conducting investigative operations, and should be deployed as appropriate for the particular circumstances.

When CDCR peace officers are assigned to provide emergency or non-emergency law enforcement assistance, these tasks become the primary function of their employment for the duration of the assignment. Unless other agreements have been made, all costs associated with this assistance are the responsibility of the CDCR.
located in an area that can be controlled or isolated. These situations do not normally involve the imminent threat to loss of life or imminent threat to institution security. All controlled use of force situations requires the authorization and the presence of a First or Second Level Manager during business hours. During non-business hours, the on-site manager shall be the Administrative Officer of the Day (AOD) who is responsible for the authorization of any controlled use of force and whose presence is required during any controlled use of force. Staff shall make every effort to identify disabilities, to include mental health issues, and note any accommodations that may need to be considered.

Non-conventional Force
Non-conventional Force is force that utilizes techniques or instruments that are not specifically authorized in policy, procedures, or training. Depending on the circumstances, non-conventional force can be necessary and reasonable; it can also be unnecessary or excessive.

Non-deadly force
Non-deadly force is any use of force that is not likely to result in death.

Deadly Force
Deadly force is any use of force that is likely to result in death. Any discharge of a firearm other than the lawful discharge during weapons qualifications, firearms training, or other legal recreational use of a firearm, is deadly force.

Great Bodily Injury (GBI)
Great bodily injury is any bodily injury that creates a substantial risk of death.

Serious Bodily Injury
Serious bodily injury means a serious impairment of physical condition, including, but not limited to the following:
- Loss of consciousness;
- Concussion;
- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and
- Serious disfigurement.

Response Supervisor
The Response Supervisor is the first line supervisor in an institution/facility responsible for the area where an incident occurs. When responding to or observing an incident involving the use of force, the response supervisor shall assume control of the responders and direct the tactics used to stop the threat. Additionally, the response supervisor shall assess the appropriateness/effectiveness of the force options being deployed, ensuring compliance with policy and training.

Responding Supervisor
The Responding Supervisor is the first line supervisor responsible for the employee involved in an incident.

Incident Commander
The Incident Commander is the second line supervisor in an institution/facility responsible for the area where an incident occurs or an allegation of excessive or unnecessary force is received.

First Level Manager
A First Level Manager in an institution/facility is a Captain, or the AOD.

First Line Manager
A First Line Manager is a Parole Administrator, District Administrator, Special Agent-In-Charge, or a Senior Special Agent.

Second Level Manager
A Second Level Manager in an institution/facility is an Associate Warden.

Second Line Manager
A Second Line Manager is a Deputy Regional Parole Administrator or Chief.

Institution Head
The Institution Head is a Warden or designee.

Institutional Executive Review Committee (IERC)
The IERC is a committee of institution staff chaired by the respective Institution Head tasked with reviewing all uses of force and every allegation of excessive or unnecessary force. The IERC is the final institutional level of review.

Department Executive Review Committee (DERC)
The DERC is a committee of staff selected by, and including, the Associate Director who oversees the respective institution/facility Mission-based group. The DERC has oversight responsibility and final review authority over the IERC. The DERC shall review every use of deadly force and every serious bodily injury or death that could have been caused by a staff use of force. The DERC shall also review those incidents referred to the DERC by the IERC Chairperson or otherwise requested by the DERC. The DERC shall conduct all reviews within sixty (60) days of completion by the IERC.

Deadly Force Investigation Teams (DFIT)
DFIT is a team of trained department investigators that shall conduct criminal and administrative investigations into every use of deadly force and every death or great bodily injury that could have been caused by a staff use of force, except the lawful discharge of a firearm during weapons qualifications or firearms training, or other legal recreational uses of a firearm. Based on certain local Memoranda of Understanding, criminal investigations may instead be conducted by an outside police department or sheriff’s office. Although defined as deadly force DFIT need not investigate the discharge of a warning shot inside an institution/facility if an Investigative Services Unit Sergeant or above, or an uninvolved Correctional Lieutenant, confirms that the discharge of deadly force was a warning shot and that no injuries were caused by the shot. All warning shots shall be reported to the Office of Internal Affairs/DFIT and the Office of the Inspector General (OIG).

Deadly Force Review Board (DFRB)
The DFRB conducts a full and complete review of all incidents involving a use of deadly force (except warning shots) and every death or great bodily injury that could have been caused by a staff use of force, regardless of whether the incident occurs in an institutional or community setting.

Joint Use Committee (JUC)
The JUC is a committee of field staff from the DAI tasked with reviewing and evaluating recommended revisions to the Division’s Use of Force Policy and Procedures.

Holding Cells
All holding cells shall be located within buildings or sheltered areas. A holding cell shall not be used as a means of punishment, housing or long-term placement. If clothing is taken from an inmate when they are placed in a holding cell, alternate clothing shall immediately be provided unless security concerns preclude issuance.

51020.5 Use of Force Options
It is the expectation that staff evaluate the totality of circumstances involved in any given situation, to include consideration of an inmate’s demeanor, bizarre behavior, mental health status if known, medical concerns, as well as ability to understand and/or comply with orders, in an effort to determine the best course of action and tactics to resolve the situation. Whenever possible, verbal persuasion should be attempted in an effort to mitigate the need for force. The type of verbal persuasion will vary dependent upon the inmate’s ability to understand. If time permits, verbal orders should be issued prior to resorting to force and are required to be provided before controlled force is used. The resisted searching or escorting of an inmate/parolee and the resisted application of authorized restraint equipment is not a use of force. Use of Force options do not have to be utilized in any particular sequence, but should be the force option staff reasonably believes is sufficient. Each force option has specific qualities that should be considered when choosing which option to deploy, including but not limited to: range of effectiveness, level of potential injury, staff safety, deployment methodology, level of threat presented, distance between staff and inmate, number of staff and inmates involved and the inmate’s ability to understand. When responding to or observing an incident involving the use of force, the response supervisor shall assume control of the responders and direct the tactics used to stop the threat. Additionally, the response supervisor shall assess the appropriateness/effectiveness of the force options being deployed ensuring compliance with policy and training. Use of force options include but are not limited to:
- Chemical agents: Provides staff the ability to use force while maintaining distance.
- Hand-held batons: The baton is normally issued to custodial staff assigned to positions with direct inmate contact. The baton should not be carried in the extended position unless it is being utilized for the protection of the inmate and/or staff. In controlled use of force, the baton is intended for the defense of staff and to assist in gaining control of the inmate.
- Physical strength and holds: Any deliberate physical contact, using any part of the body to overcome conscious resistance, is considered physical force. A choke hold or any other physical restraint which prevents the person from
swallowing or breathing shall not be used unless the use of deadly force would be authorized.

- Less-lethal weapons: A less lethal weapon is any weapon that is not likely to cause death. A 37mm or 40mm launcher and any other weapon used to fire less-lethal projectiles is a less lethal weapon.
- Lethal weapons: A firearm is a lethal weapon because it is used to fire lethal projectiles. A lethal weapon is any weapon that is likely to result in death.

51020.6 Use of Restraints

The use of mechanical restraints shall not be placed on an inmate during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, unless circumstances exist that require the immediate application of mechanical restraints to avoid the imminent threat of death, escape, or great bodily injury. In this case, mechanical restraints may be used only for the period during which such threat exists.

The following state-issued restraints and equipment are authorized for use at the discretion of on-duty staff:

- Handcuffs
- Waist Chain
- Leg Restraints
- Escort Chains
- Padlocks
- Security Chain
- Spit Hood
- Martin Chain

The following restraints may be used as specified below:

- Safety Triangle: This device is a handcuff retention device, used to prevent inmates from pulling restraint equipment into their cell and may be used at the discretion of on-duty staff. Some reasons for using the safety triangle include, but are not limited to: rehousing an inmate who has threatened violence or an inmate who was just involved in a use of force incident. The safety triangle may be attached to the cuffs if the inmate is being relocated in the housing unit and if attaching and detaching the safety triangle to and from the handcuffs presents a safety concern. The safety triangle is not intended to control the inmate outside of the cell. The officer controlling the safety triangle must be vigilant and efforts should be directed to prevent the inmate from pulling their hands inside the cell while the door is being closed.
- In the event that an inmate who is attached to a triangle refuses to place their hands in the food/security port to allow the handcuffs to be removed, it may be necessary to pull the safety triangle to retrieve the handcuffs. When it is necessary to pull the safety triangle, a single staff member shall slowly move away from the door while holding onto the safety triangle, in order to bring the inmate’s hands through the port. This will be conducted with extreme caution in order to minimize the risk of injury to the inmate. Additional staff may be needed to assist with the safety triangle in the event that the one staff member is insufficient to get the inmate’s hands through the food port. Once the inmate’s hands, wrists, and forearms are through the port, staff will grasp the inmate’s forearms, the tension on the safety triangle shall be released, and the handcuffs removed.

Prior to using a safety triangle on an inmate confirmed or suspected by health care staff to be pregnant, a physician must be consulted and any potential risks fully discussed.

The final decision to use the device on the pregnant inmate will rest with the Warden or Chief Deputy Warden (CDW) and the reviewing physician. The consultation and its outcome must be documented for inclusion in the inmate’s health record and central file.

- Leather Restraints: Leather restraints are used for four/five point restraint in a Correctional Treatment Center, General Acute Care Hospital, or community hospital. Authorization for application of four/five point restraints shall only be given by health care staff in accordance with California Code of Regulations, Title 22, Section 79801 Clinical Restraint, Treatment Restraint, and Clinical Seclusion, and the Mental Health Program Services Delivery System Program Guide, Chapter 10, Suicide Prevention and Response. Use of restraint equipment at the direction of medical staff shall be fully documented in the inmate’s health record.

- Hand Isolation Devices (HID): These devices (e.g., hand restraint mitt/mittens, etc.) are used as an additional measure to restrict an inmate’s ability to use his/her hands. HIDs may be used upon initial placement on Contra-band Surveillance Watch (CSW) at an institution when requested and authorized as specified in DOM Section 52050.23.4, Mechanical Restraints. Only HIDs purchased from an approved vendor shall be used. Inmates in HIDs must have constant and direct visual supervision at all times. When it is deemed necessary by on duty staff to implement the use of a HID subsequent to the initial placement on CSW, a CDC Form 128-B, General Chrono, will be completed stating a specific safety and security concern associated with the individual inmate, and included with the CSW documentation. The subsequent approval shall be at the level of Lieutenant or above, and approved at the level of Captain or above during business hours, or by the institution AOD during nonbusiness hours. The CDC Form 128-B will include: the date of implementation, reason or justification for implementation of the device, and staff requesting and approving the HID implementation. Prior to placing a HID on an inmate confirmed, or suspected by health care staff to be pregnant, a physician must be consulted and any potential risks fully discussed. The final decision to place the device on the pregnant inmate will rest with the Warden or CDW and the reviewing physician. The consultation and its outcome must be documented for inclusion in the inmate’s health care record and central file. Equipment Hygiene - HIDs must be maintained per the manufacturer’s specifications, and only clean HIDs are to be used. Should a HID become contaminated or soiled, a clean HID will be provided as soon as it is safe to do so.

Mechanical restraint equipment shall be used in any manner described in CCR, Title 15, Section 3268.2(c), Use of Restraints. The use of restraint equipment not identified in this section must be preapproved at the level of Associate Director or higher. As part of the mechanical restraint maintenance process, restraints shall be routinely cleaned and sanitized to adhere to an acceptable equipment hygiene standard.

Inmates who have a disability that prevents standard search methods or application of restraint equipment in the prescribed manner shall be afforded reasonable accommodation under the direction of the Response Supervisor. Mechanical restraints shall be applied to ensure effective application while reasonably accommodating the inmate’s disability.

51020.7 Deadly Force

The CDCR recognizes the sanctity of human life. Therefore, deadly force will only be used when it is reasonably necessary to:

- Defend the employee or other persons from an imminent threat of death or great bodily injury.
- Prevent an escape from custody.
- Stop acts such as riots or arson that constitute an immediate jeopardy to institutional security and, because of the magnitude, are likely to result in escapes, great bodily injury, or the death of other persons.
- Dispose of seriously injured or dangerous animals when no other disposition is practical. (CDCR operates facilities that maintain livestock or are situated in remote areas, therefore CDCR recognizes this need.)

A firearm shall not be discharged if there is a reason to believe that persons other than the intended target will be injured.

In facilities contracted to house CDCR inmates outside of California, the use of deadly force shall only be applied in accordance with applicable law in the state where the facility is located.
The controlled Use of Force involves advance planning, staffing and organization. A controlled use of force requires authorization and the presence of a First or Second Level Manager, or an AOD (on-site manager) during non-business hours. The on-site manager is ultimately responsible for the controlled use of force incident. The Incident Commander shall supervise the controlled use of force process. The Response Supervisor shall direct the controlled use of force team.

Once a situation exists that may result in a controlled use of force, a custody staff member shall remain at the location to monitor the inmate and continue to attempt to gain compliance from the inmate through attempts at verbal persuasion until the controlled use of force team arrives and the staff member is relieved by the Incident Commander to resume their regular duties. The custody staff member will be positioned as close as possible to the affected location, without jeopardizing their own safety.

All controlled uses of force shall be preceded by a cool down period to allow the inmate an opportunity to comply with custody staff orders. The cool down period shall include clinical intervention (attempts to verbally counsel and persuade the inmate to voluntarily exit the area) by a licensed mental health practitioner and may include similar attempts by custody staff if authorized by the on-site manager. This intervention shall take place for all inmates and is not limited to participants in the Mental Health Services Delivery System.

During the cool down period:

- Licensed Nursing Staff (LNS) (i.e., Registered Nurse (RN), Licensed Vocational Nurse, and Psychiatric Technician) shall review the inmate’s health record for medical conditions which put the inmate at increased risk for adverse outcome from the use of chemical agents and or physical force.
- In addition the LNS shall review the health record for any known disabilities that will require accommodation during the controlled use of force. For inmates housed in an inpatient setting the Inpatient RN shall conduct the review. For all other inmates the review shall be conducted by the Triage and Treatment Area RN.

- If the licensed mental health practitioner is not the treating clinician, they shall review the inmate’s health record to determine if the inmate has any previous or current mental health issues. The licensed mental health practitioner shall use that information along with information gained during the clinical intervention to advise the on-site manager of any mental health issues that impact the inmate’s ability to understand orders, make it difficult for the inmate to comply with orders, or could lead to a substantial risk of decompensation.

If it is determined the inmate does not have the ability to understand orders, chemical agents shall not be used without authorization from the Warden, Chief Deputy Warden or AOD. Any decision to proceed with the use of chemical agents shall be documented, along with the details of the underlying reasons to proceed, and the outcome. When serious circumstances exist, calling for extreme measures to protect staff or inmates, (i.e., the inmate may be armed with a deadly weapon) the Warden, Chief Deputy Warden or AOD may authorize use of chemical agents when the inmate does not have the ability to understand orders.

If it is determined an inmate has the ability to understand orders but has difficulty complying due to mental health issues, or when a licensed mental health practitioner believes the inmate’s mental health issues are such that the controlled use of force could lead to a substantial risk of decompensation, a licensed mental health practitioner shall propose reasonable strategies to employ in an effort to gain compliance. Some strategies to consider may include, but are not limited to: verbal persuasion, positive behavior modification, and/or other de-escalation/intervention techniques by the licensed mental health practitioner, or engaging additional clinicians that have an established rapport with the inmate. If the efforts are not successful, it may be necessary for the controlled use of force to proceed.

Chemical agents shall not be used without authorization from the Warden, Chief Deputy Warden or (AOD during non-business hours).

The cool down period may also include use of other available resources/options such as dialogue via religious leaders, correctional counselors, correctional officers and other custody and non-custody staff that have an established rapport with the inmate. If the efforts are not successful, it may be necessary for the controlled use of force to proceed.

Chemical agents shall not be used without authorization from the Warden, Chief Deputy Warden or (AOD during non-business hours).

The cool down period may also include use of other available resources/options such as dialogue via religious leaders, correctional counselors, correctional officers and other custody and non-custody staff that have an established rapport with the inmate. If the efforts are not successful, it may be necessary for the controlled use of force to proceed.

Chemical agents shall not be used without authorization from the Warden, Chief Deputy Warden or (AOD during non-business hours).

The cool down period may also include use of other available resources/options such as dialogue via religious leaders, correctional counselors, correctional officers and other custody and non-custody staff that have an established rapport with the inmate. If the efforts are not successful, it may be necessary for the controlled use of force to proceed.

Chemical agents shall not be used without authorization from the Warden, Chief Deputy Warden or (AOD during non-business hours).
Mental Health (or designee), Chief Medical Executive (or designee), and Warden or Chief Deputy Warden.

In the event the disagreement is not resolved at the institution level, the issue shall be elevated to the Regional Administrators (Mental Health and Medical), and the appropriate Associate Director.

The Incident Commander shall document the start time and duration of the cool down period on the CDCR 837-A/A1. During the cool down period, a tactical plan for the potential controlled use of force will be developed by the Incident Commander in collaboration with the Response Supervisor and on-site manager, with input from the LNS and a licensed mental health practitioner. During the collaboration, the possible use of chemical agents, physical force, or other approved force options that may be used to complete the lawful objective will be discussed utilizing their collective knowledge, training, and experience, as well as an evaluation of the totality of circumstances.

General circumstances to consider include but are not limited to:

- The inmate’s current demeanor (i.e., verbal vs. physical aggression/passive vs. active resistance).
- Prior incidents of violence toward staff.
- The safety of inmates and staff.
- Possession of a weapon.
- The use of barriers, barricades or a personal barrier (i.e., cloth or plastic placed about the inmates face and head).
- The inmate’s actions during any prior controlled uses of force.
- Physical design of the cell.
- The location of cell with regard to cross contamination (i.e., OHU/CTC/PIP/PSU, open cell front).
- Effective communication needs as identified by the Disability and Effective Communications System (DECS).
- Input from the assigned housing unit staff.
- Health care concerns to consider include but are not limited to:
  - Current medical health.
  - Current and prior mental health issues.
  - The inmate’s ability to understand orders or difficulty complying with orders due to mental health issues.
  - Potential for substantial risk of decompensation.
  - Developmental/intellectual disabilities.

A decision to use chemical agents for the extraction should be based on more than passive resistance to placement in restraints or refusal to follow orders. If the inmate has not responded to staff for an extended period of time, and it appears that the inmate does not present an imminent physical threat, additional consideration and evaluation should occur before the use of chemical agents is authorized.

Based on the collaborative effort, the tactical plan will be finalized and approved by the on-site manager.

A controlled use of force shall not be accomplished without the physical presence of LNS. The LNS shall be in close proximity to the incident to facilitate an immediate medical response, but not so near as to become involved in the controlled use of force. The LNS is not required to don controlled use of force team equipment such as a helmet, Personal Protective Equipment kit, etc. Prior to commencing with the controlled use of force, the Incident Commander shall ensure that the LNS is in possession of the appropriate medical supplies and equipment to respond to a medical emergency. The LNS who reviewed the health record and the LNS that is on-site during the controlled use of force is not required to be the same person.

51020.12.1 Controlled Use of Force Without Extraction

Not all controlled use of force situations are conducted to remove an inmate from a cell or other location. Controlled use of force may also be used to administer medications (PC 2602), provide medical treatment, or to complete mandated testing (i.e., TB testing, DNA, etc.)

When circumstances are such that a controlled use of force is considered within a cell, on-duty health care staff shall ensure medical authorization for the involuntary medication exists. Health care staff shall also consult with the treating psychiatrist, primary care provider or mid-level provider, if available, to verify the current and critical need for involuntary medication or treatment. If the treating psychiatrist, primary care provider or mid-level provider is not available, the physician or psychiatrist on call shall be consulted. Health care staff shall advise the Incident Commander of such prior to the application of controlled use of force procedures. In these circumstances a controlled use of force team may enter the cell, physically restrain the inmate while medications/treatment are administered, and exit the cell.

The Incident Commander shall determine what, if any, safety equipment to be utilized (as identified in 51020.12.2). The decision shall be based on the totality of circumstances to include, but not be limited to:

- The inmate’s current demeanor (passive resistance vs. physical aggression).
- Prior incidents toward staff.
- The inmate’s actions during prior controlled use of force incidents.
- Current medical health.
- Current mental health.
- Specific purpose of the controlled use of force.

These incidents shall be video recorded; therefore, a video camera with backup videotape or media and backup batteries is required.

51020.12.2 Extractions

An extraction is the involuntary removal of an inmate from an area and usually occurs when the inmate is in a confined area such as a cell, holding cell, shower, or small exercise yard.

Extractions can be conducted as a controlled or immediate use of force. Except in the case of an imminent threat, extractions shall take place in a controlled manner.

Controlled extractions occur when no imminent threat exists but an inmate’s refusal to comply with orders and presence in a cell, yard, or other previously identified location poses a threat to safety and security, or disrupts the normal operation of the housing unit, facility, or institution.

Immediate extractions occur when an imminent threat exists. Some examples of when an immediate extraction may be necessary are: to prevent or stop, great bodily injury and/or serious bodily injury, attempted suicide, self-harm, in-cell assault, or for medical concerns such as an inmate who is non-responsive, convulsing, or seizing.

The presence of supervisors, managers or health care staff is not required to conduct an immediate extraction.

If a controlled extraction becomes necessary, extraction team members shall be issued extraction equipment:

- Riot helmet with protective face shield, protective vest, respirator, elbow and shin protectors, gloves, Kevlar neck protector, and blood borne pathogen protective suit.
- Protective shield, approximately 22” wide and 48” long.
- Hand-held baton(s), handcuffs, and leg restraints.
- Video camera(s) with a backup videotape or media and back up batteries.

If an immediate extraction in a Security Housing Unit/Administrative Segregation Unit becomes necessary, extraction team members shall be issued extraction equipment:

- Riot helmet with protective face shield, and protective vest.
- Protective shield, approximately 22” wide and 48” long.
- Hand-held baton(s) and handcuffs.

The blood borne pathogens protective suit can be used in an immediate extraction if needed. The suit is not required if bodily fluids are not present in sufficient quantities which present a threat to staff.

The blood borne pathogens protective suits, riot helmets, and protective shields are to be stored in locations that are readily accessible to the staff responding to conduct an immediate cell extraction so as not to delay entry/response.

Prior to a controlled extraction, the Response Supervisor or Incident Commander shall ensure that the members of the extraction team do not include any staff member who was directly involved in the incident precipitating the need for extracting the inmate.

The Incident Commander will ensure the Response Supervisor and extraction team members clearly understand their roles, appropriate signals, and are familiar with the departmental use of force policy.

A briefing, including possible tactics to be used, shall be given to the extraction team by the Response Supervisor and/or Incident Commander. This briefing shall not be video recorded and should be completed away from the presence of any inmates.

If time permits prior to the actual extraction, a mock extraction may be conducted in a vacated area with participating staff in order to ensure that custodial staff are familiar with their roles during the extraction. Several simulated operations will ensure smoothness, and timing during the actual extraction.
Prior to the extraction, the Incident Commander will communicate with the officer responsible/assigned to open/close cell doors and establish verbal/non-verbal signals specific to the controlled use of force. The Incident Commander shall ensure the control officer understands that only the Incident Commander shall authorize the opening and closing of affected doors.

For the safety of staff, prior to being removed from a cell, it is preferred that the inmate submit to a visual search. The inmate should remove all clothing, except his/her underwear, and move back far enough from the cell door to allow a visual inspection. The inmate shall be visually inspected from head to toe, front and back. The inmate will run his/her fingers around the inside waistband of his/her underwear. The inmate shall be allowed to retain his/her underwear while being restrained and removed from the cell.

If the inmate refuses to cooperate with the visual search, but is willing to submit to restraints, the inmate shall be placed in restraints and removed from the cell. The application of restraints shall not be delayed due to the inmate’s refusal to submit to being searched, or to have the inmate remove any clothing. Upon removal from the cell, the inmate should be subjected to search for staff safety.

Placement of an inmate on the stomach for a short period of time to restrain an inmate is authorized; however once the inmate is exposed to chemical agents and/or if a spit hood/mask is placed on the inmate, staff shall not place the inmate on his/her stomach, or in a position that allows the inmate to end up on his/her stomach, for any period longer than necessary to gain or maintain control.

The procedure for cell extractions where two inmates are in the cell remains the same as for a single celled inmate with the following additions:

- Additional team members shall be assigned as determined by the Incident Commander.
- In the event one of the inmates is compliant with staff’s instructions, and if in the judgment of the Incident Commander it is safe to open the cell door, the inmate shall be removed.
- If it is unsafe to remove the compliant inmate, they shall be required to remain in the cell and appropriate instructions shall be issued for the duration of the incident.
- The procedures for an extraction from a holding cell, shower, small exercise yard, etc., whether in a segregated housing unit or general population remain the same as cell extractions except as follows:
  - Additional extraction team members or an additional extraction team may be assigned as determined by the Incident Commander.
  - In the event two or more inmates are to be extracted from the same area, at least one additional supervisor shall be assigned.

51020.12.3 Controlled Uses of Force – Video Recording Requirements

Each controlled use of force shall be video recorded. The camera operator shall procure the camera, videotape or media, backup videotape or media, and backup battery. Prior to initiating video recording, the Incident Commander shall ensure the staff member operating the camera is familiar with the operation of the camera, and the expectations of the camera operator while recording the introductions and extraction in accordance with 51020.12.3 Controlled Uses of Force – Video Recording Requirements.

Only one incident shall be recorded on each video recording (videotape or video media will not include multiple incidents).

If the proposed controlled force involves a cell extraction of two inmates, two camera operators shall be used. Each camera operator will be designated an inmate prior to the application of the controlled use of force and concentrate on that inmate during the recording. The camera operator(s) will be positioned as close as possible to the immediate area to record as much of the incident as possible, yet at a sufficient distance so as to ensure no interference with the extraction team or jeopardize their own safety.

The camera operator shall ensure that an accurate date and time is displayed on the recording. Filming shall begin with the camera operator stating their name, rank, date, time, and location of the controlled use of force.

The Incident Commander shall identify the inmate involved and state the circumstances of the proposed controlled use of force and/or extraction. The circumstances shall include a summary of the events leading up to the controlled use of force and what efforts have been made toward mitigation, to include the duration of the cool down period, as well as custody, supervisory, medical, and mental health intervention, as applicable. The Incident Commander shall explain the tactical plan, rationale of the plan, and the intended use of force.

The on-site manager shall identify themselves on camera and confirm they are authorizing the controlled use of force, including the force options as stated by the Incident Commander. The on-site manager shall also ensure the video introduction includes all required information.

The on-site LNS shall identify themselves on camera and confirm they reviewed the inmate’s health record. The LNS shall indicate if the inmate has any health conditions that will put them at increased risk for adverse outcome from the use of chemical agents or other force options. The LNS shall also note any known disabilities the inmate has that will require any accommodation before, during or after the controlled use of force. The LNS shall not include specific conditions or any other protected health information.

The LNS that will be on-site during the controlled use of force shall also identify themselves on camera as performing that role and having the necessary medical equipment.

The licensed mental health practitioner who provides clinical intervention shall identify themselves on camera and provide a detailed timeline of his/her efforts. This narrative shall not include specific conditions or any other protected health information but shall include a summary of the inmate’s reaction. The actual clinical intervention shall not be video recorded.

The Response Supervisor and members of the controlled use of force team shall identify themselves on camera and state their roles in the controlled use of force.

Following the introduction, the camera operator shall continue filming to ensure the scene of the proposed controlled use of force and record the events.

Prior to the application of force, the camera operator should videotape the interior of the cell/area and the inmate’s actions.

The incident commander shall issue a verbal warning prior to initiating the application of force.

The verbal warning shall contain the following five elements:

- Address the inmate by name.
- Advise the inmate that they are being video recorded.
- Order the inmate to voluntarily comply.
- Advise the inmate of the intent to use chemical agents and/or physical force if they do not comply.
- Advise the inmate that sufficient force will be used to remove them from the area, administer medications, etc.

After the introduction of chemical agents, the camera operator should again video record the inmate and the interior of the cell/area.

If the video recording is interrupted for any reason once the incident/extraction has begun, the camera operator will give a verbal explanation of the interruption once recording has resumed. The entire incident must be video recorded in one segment or scene.

Once the inmate has been extracted, the LNS shall conduct an initial medical evaluation of the inmate and provide any necessary initial treatment. While the inmate is being evaluated or treated the camera shall continue recording, but will not be aimed at the inmate or the LNS. During this time the camera should be aimed at a clock, floor, wall, etc. If it becomes necessary for staff to use force on the inmate while they are being examined or treated, the camera will immediately be aimed at the inmate until such time as the inmate is no longer resistive and the medical evaluation resumes.

If the purpose of the controlled use of force was to administer medications, video recording shall continue as the medications are administered, and until the controlled use of force team disengages from the inmate.

If chemical agents were used and the inmate is allowed to decontaminate, ensure the decontamination is filmed.

The Incident Commander shall determine when the incident has concluded and video recording shall end. This is typically when the inmate is placed in a holding cell/area or re-housed.

51020.12.4 Controlled Use of Force in Health Care Facilities

When circumstances are such that a controlled use of force is considered within a health care facility (departmental hospital, infirmary, Correctional Treatment Center (CTC), Skilled Nursing Facility (SNF), Psychiatric Inpatient Program (PIP), Outpatient Housing Unit (OHU), etc.), the LNS shall consider the impact on medical conditions and the possible need to relocate uninvolved inmates in the immediate vicinity during a controlled use of force.

Administration of Involuntary Medication or Medical Treatment (PC 2602/Probate Code 3200): When force is necessary to administer medication or medical
treatment within a health care facility, on-duty health care staff shall ensure medical authorization for the involuntary medication or treatment exists. Health care staff shall also consult with the treating psychiatrist, primary care provider or mid-level provider, if available, to verify the current and critical need for involuntary medication or treatment. If the treating psychiatrist, primary care provider or mid-level provider is not available, the physician or psychiatrist on call shall be consulted. Health care staff shall advise the Incident Commander of such prior to the application of controlled use of force procedures.

Application of Four/Five point Restraints: Only departmentally approved four/five point restraints shall be applied by authorized LNS in health care facilities. Authorization for application of four/five point restraint shall only be given by health care staff in accordance with California Code of Regulations, Title 22, Section 79801 Clinical Restraint, Treatment Restraint, and Clinical Seclusion, and the Mental Health Program Services Delivery System Program Guide, Chapter 10, Suicide Prevention and Response. On-duty health care staff shall ensure authorization exists, and shall advise the Incident Commander of such prior to the controlled use of force under these circumstances.

Inmate Refusal of Admission, Discharge, or Transfer to/from a Health Care Facility: When a clinician with admitting privileges to a CDCR Health Care Facility has determined it is necessary to admit, discharge, or transfer an inmate into/from a health care facility, health care staff shall ensure that a written order for the admission, discharge, or transfer exists, and shall advise the Incident Commander of such, prior to the controlled use of force.

51020.12.5 Food Trays

Accountability for food trays is an operational concern for the safety and security of institutions. It is important that the staff who issue food trays to inmates in cells account for all trays after the meal is concluded.

If the inmate refuses to return a food tray, the supervisor and the First or Second Level Managers shall be notified. Staff shall document the inmate’s refusal to return the food tray on a CDC-115, Rules Violation Report.

The inmate will be advised that they shall not receive another meal until the first scheduled mealtime after the tray is returned. Additionally, the inmate—and all other inmates in the pod/section—will be placed on escort/restraint status to prevent passing of contraband items. Inmates may exit their cells to acquire various services. If the cell is vacated, staff will use that opportunity to retrieve the food tray.

Notice shall be provided to staff members working subsequent shifts to ensure their awareness of the circumstances. Institution/facility staff shall implement security measures to deter and prevent the movement of the retained food tray from one cell to another.

If the inmate retains control of the food tray for a period of 24 hours, the Manager shall determine if controlled force will be used to retrieve the tray. This does not preclude the Manager from making a determination, based on safety and security concerns, to retrieve the tray using force prior to the 24-hour time frame.

If the goal of the controlled use of force is only to retrieve the tray, all staff shall be informed of this in advance. If the inmate has retreated to the back of the cell and the tray can be safely retrieved without the application of force, then staff shall retrieve the tray and exit the cell.

51020.13 Video Equipment and Records

Video equipment, including cameras, batteries, and blank tapes or discs shall be stored in a designated area at each institution. Video recordings shall be maintained for a period of five years from the date of the incident, or longer if warranted.

Video recordings shall be processed as follows:

- The camera operator shall label the tape with the date, time, inmate’s name and CDCR number, the camera operator’s name, and incident log number, if applicable.
- The Incident Commander shall, prior to being relieved from duty, forward to the designated area for storage any video recordings of controlled uses of force and any video recordings of inmate injuries or interviews following an immediate use of force or an allegation of excessive or unnecessary force. The Incident Commander shall ensure that all such recordings are secured, logged and processed in a manner to preserve evidentiary value.
The amount of time needed for the chemical agents to become effective will vary based upon the delivery method, individual tolerance levels, and environment. A minimum of three minutes shall lapse between each application of chemical agents before additional chemical agents may be applied.

It is recommended a Response Supervisor be assigned the duties of administering chemical agents during controlled use of force in a cell or other small space. Prior to each use of a chemical agent, the staff member applying it shall display the device in view of the camera and state out loud for the camera the time of application and the type of device being applied.

After each application of a chemical agent, the Incident Commander and Response Supervisor shall assess the effectiveness or lack thereof. If in the event chemical agents have not proven effective, the Incident Commander and Response Supervisor should carefully weigh the continued use of chemical agents versus use of physical force to complete the extraction. If a decision is made to apply additional chemical agents, the Incident Commander shall verbalize to the camera the rationale for the decision. For example: "A vapor grenade was deployed. It has been three minutes. The inmate is not showing any visible reaction, is using a personal barrier, and is shouting. We will now attempt to strike the personal barrier with a fogger product."

Staff shall make every reasonable effort to maintain visual contact with an inmate when administering chemical agents and until the inmate is decontaminated.

51020.15.2 Chemical Agent Use During Controlled Use of Force – Large Area

During a controlled use of force in larger areas such as rotundas, small management yards, large holding cells, segregated housing unit exercise yards, etc., departmentally approved chemical agents may be used in accordance with the Restricted DOM, Section 55050 - Armory, Armed Posts, and Weapons, and applicable training. In these situations, dependent on the size of the area, number of inmates involved, and complexity of the incident, it may be necessary to administer chemical agents in a larger quantity and more frequently than would occur during a controlled use of force in a small space.

51020.15.3 Use of Chemical Agents for Inmates with Mental Health Issues

In controlled use of force situations for inmates who are housed in Mental Health Crisis Bed, VIP, OHU, PSU, EOP, or an Administrative Segregation Unit-EOP Hub, or do not possess the ability to understand orders, have difficulty complying with orders due to mental health issues, or are at increased risk of substantial decompensation from the use of force, the use of chemical agents is prohibited, unless the Warden, Chief Deputy Warden (or AOD during non-business hours) authorize the use.

If circumstances involve an imminent threat, the use of chemical agents is authorized in accordance with this section for use against an inmate who may not possess the ability to understand orders or to gain control of a disturbance involving inmates who may have mental health issues.

51020.15.4 Decontamination from Chemical Agents – General

Any inmate exposed to a chemical agent shall be afforded the opportunity to decontaminate as soon as practical. Staff shall provide reasonable accommodation to disabled inmates who require assistance exiting a contaminated area and during the decontamination process.

If an inmate refuses to decontaminate, no other action is necessary, unless the inmate was exposed in a cell and not removed from the cell where the exposure occurred. In these instances, refer to Section 51020.15.6. If an inmate refuses decontamination, the LNS shall be responsible to explain the importance of decontamination and encourage the inmate to decontaminate.

Inmates in an adjacent cell or in the general area where chemical agents are used shall be questioned by custody staff to determine if decontamination is warranted.

Decontamination of those inmates not directly exposed to chemical agents will be based upon obvious, physical effects of the chemical agent. The need to medically treat an inmate for serious injury may supersede the need to decontaminate from the effects of exposure to chemical agents.

Inmates exposed to chemical agents shall be allowed to change their clothes as soon as practical.

Inmates exposed to chemical agents in a cell shall be afforded the opportunity to exchange linens and bedding, including the safety blanket, when applicable.

51020.15.5 Decontamination from Oleoresin Capsicum

Decontamination from OC may be accomplished by exposing the individual to fresh moving air, or flushing the affected body area with cool water, e.g., shower, sink water, or wet clothes and providing clean clothing.

Except when it is determined that removing an inmate from a cell would result in additional force or give rise to an imminent threat, the inmate will be provided an opportunity to decontaminate outside of a cell in which OC has been used.

Force shall not be used to decontaminate inmates from the effects of OC unless a serious threat to the inmate’s health is present and LNS determines the inmate must be decontaminated.

No other decontamination is necessary for inmates who have been medically treated and LNS has determined the inmate has been decontaminated.

As soon as it is practical and safe to do so, decontamination of the affected cell and housing unit shall be accomplished by ventilating the area to remove the airborne agent. Open doors and windows as permitted, or use portable fans to speed up the process. If applicable manually turn the air exchange system to high. A fan and the use of the air exchange system is not recommended for any dry agent that is utilized (i.e., expulsion grenades or muzzle blast). Wiping the area down with damp cloths or mopping is only necessary if a noticeable amount of residue is visible.

After decontamination, the inmate should not be returned to a contaminated cell until sufficient time has elapsed to allow for dissipation of the OC or until the cell has been cleaned.

51020.15.6 In-Cell Decontamination from Oleoresin Capsicum

In-cell decontamination may be used for inmates housed in an institution/facility when the Incident Commander or Response Supervisor determines that removing the inmate would result in the need for additional use of force or give rise to an imminent threat.

The circumstances leading to the order for in-cell decontamination shall be clearly explained in the Response Supervisor’s Incident Commander’s report.

When an inmate is going to be decontaminated in his/her cell, a licensed nursing staff shall advise the inmate how to self-decontaminate and the importance of decontamination. Licensed nursing staff shall explain to the inmate that he/she should remove contaminated clothing and use water from the sink to flush the affected area(s). The licensed nursing staff shall also explain to the inmate that he/she should pat or air dry and avoid rubbing the exposed areas.

When an inmate is not removed from the cell, a licensed nursing staff shall monitor the inmate approximately every 15 minutes for a period of not less than 45 minutes starting from the last application of chemical agent. During the monitoring, if the licensed nursing staff determines there is a need for additional medical assessment/treatment outside the cell, the licensed nursing staff shall advise a custody supervisor of the need to remove the inmate from the cell. The custody supervisor shall coordinate the removal of the inmate.

A licensed nursing staff shall document the fact the inmate was given instructions and the approximate times of the 15 minute observations on a CDCR 7219, Medical Report of Injury or Unusual Occurrence.

51020.16 Application of Spit Hoods or Masks

Only departmentally approved spit hoods/masks are authorized for use. A spit hood/mask shall not be placed upon an inmate who:

- Is in a state of altered consciousness (visibly drowsy, stuporous, or unconscious) or;
- Has any visible signs of a seizure; or
- Is vomiting or exhibits signs of beginning to vomit.

A spit hood/mask may be applied to an inmate if:

- There is verbal or physical intent by the inmate to contaminate others with spit or other bodily fluids from the nose or mouth; or
- The inmate is not able to control expelling fluids from the nose or mouth (with the exception of vomit); or
- The inmate is on authorized security precautions according to the procedures of the unit where the inmate is housed.

If the inmate was contaminated with OC before the mask was applied, the mask shall be kept on until the inmate is afforded decontamination unless the inmate is in a state of altered consciousness (visibly drowsy, stuporous, or unconscious); or has any visible signs of a seizure; or is vomiting or exhibits signs of beginning to vomit. In this case the spit hood/mask will be removed immediately and appropriate treatment will be administered.

If the inmate is decontaminated with fresh moving air, the spit hood/mask may remain on during decontamination and can be exchanged for a new spit hood/mask.
when decontamination is complete. If the inmate is decontaminated with water, the spit hood/mask shall be removed during decontamination and a new spit hood/mask can be placed on the inmate when decontamination is complete.

If an inmate has been exposed to chemical agents after the spit hood/mask is applied, the spit hood/mask shall be replaced with a new one when it is safe to do so.

If a spit hood/mask was applied and the inmate loses consciousness, begins seizing, or begins vomiting the spit hood/mask shall be removed immediately and appropriate treatment will be administered.

If a spit hood/mask is applied to an inmate, it is imperative that constant supervision of the inmate be maintained for signs of respiratory distress. If any respiratory distress is observed, the spit hood/mask shall be removed until the signs of respiratory distress have dissipated.

Once an inmate is exposed to chemical agents and/or if a spit hood/mask is placed on the inmate, staff shall not place them on their stomachs, or in a position that allows the inmate to end up on their stomach, for any period longer than necessary to secure (e.g. handcuff) and/or gain control of the inmate. A prone position makes it difficult for any exposed individual to breathe and may be a contributing factor in positional asphyxia. Positional asphyxia occurs when an individual’s body position interferes with respiration, resulting in death. If an exposed individual is in handcuffs and requires transportation via a gurney, Stokes litter, etc., they shall be positioned on their back or side.

51020.17 Uses of Force—Reporting Requirements

Every staff use of force is an incident that shall be reported. Uses of force include non-deadly force, deadly force, immediate force, controlled force and non-conventional force. Verbal commands, the resisted application of restraints or escort of an resisting inmate and the movement of an unconscious or otherwise incapacitated inmate are not uses of force.

Any employee who uses force or observes a staff use of force shall report it to a supervisor as soon as practical and follow up with appropriate documentation prior to being relieved from duty.

The CDCR 837 Crime/Incident Report forms are used for reporting uses of force. Written reports regarding both immediate and controlled use of force shall be documented on a CDCR 837.

Documentation shall identify any witnesses to the incident and describe the circumstances giving rise to the use of force, whether the inmate is a participant in the Mental Health Services Delivery System and the nature and extent of the force used. The documentation shall also describe any involvement of licensed mental health practitioners prior to or during the use of force incident, if de-escalation strategies were attempted prior to the use of force, and the outcomes of any strategies used.

51020.17.1 Involved Staff—Reporting Requirements

Written reports regarding staff uses force shall be documented on a Crime/Incident Staff Report (CDCR 837-C). This requirement includes the on-site manager authorizing the use of controlled force. This requirement includes a First or Second Level Manager/AOD authorizing the use of controlled force.

Reports shall be prepared by any employee who uses or observes the use of force. The reports shall be submitted to, and reviewed by, the Response Supervisor prior to being relieved from duty. Staff shall not collaborate with each other in the preparation of reports.

If possible, identify important information in the contents of the report as follows:

- Identities of staff that observed and/or participated in the use of force.
- Description of the actions of the inmate and circumstances leading to the use of force.
- Description of the specific force used or observed.
- If chemical agents were used, identify the type of projector used, and from what distance.
- Description of the inmate’s level of resistance.
- Description of why force was used and description of the threat perceived.
- Description of any identified disabilities ascertained through any tracking system and what form of reasonable accommodation and/or assistance was provided during and after the controlled use of force.
- Description and observations of staff or inmate injuries and the cause of the injury, if known.
- Description of observations of decontamination of chemical agents or medical attention given.
- Description of observations or knowledge of the steps taken to decontaminate the housing unit, and those inmates not directly exposed to chemical agents.
- Documentation of any inmate allegation of an unnecessary or excessive use of force.

51020.17.2 Involved Staff—Additional Reporting Requirement for Deadly Force

An employee, who intentionally or accidentally uses deadly force, whether on or off-duty, shall ensure that a supervisory employee is verbally notified of the incident without delay. A written report shall also be required. This reporting is not a requirement for the lawful discharge of a firearm during weapon’s qualifications, firearms training, or other legal recreational use of a firearm.

51020.17.3 Video Records Made After Uses of Force That Cause Serious Bodily Injury, Great Bodily Injury, or Result in Allegations of Unnecessary or Excessive Force

A video recorded interview of an inmate shall be conducted in accordance with the Inmate Interview for GBI and SBI Worksheet, CDCR Form 3013-1, or Inmate Interview for Allegation Worksheet CDCR Form 3013-2, and documented on the CDCR Form 3014, Report of Findings-Inmate Interview, under the following circumstances:

- The inmate has sustained a serious bodily injury or great bodily injury that could have been caused by a staff use of force (CDCR Form 3013-1).
- The inmate has made an allegation of an unnecessary or excessive use of force (CDCR Form 3013-2).

Any visible or alleged injuries shall be video recorded. The video recording shall be conducted by custodial supervisors (sergeants or lieutenants) who did not use, or observe the force used, in the incident.

The video recording should be made as soon as possible, but no later than 48 hours from discovery of the injury or allegation.

The video recording shall also include a request of the inmate to be interviewed regarding the circumstances of the incident. If the inmate refuses to be video recorded, such refusal shall be recorded.

The custody supervisor shall not inhibit the inmate being interviewed from providing relevant information.

51020.17.4 Response Supervisor—Reporting Requirements

In addition to writing his/her own report when applicable, prior to being relieved from duty the Response Supervisor shall:

- Gather written reports from staff involved in the use of force incident.
- Serve as the first level of review for all subordinates’ reports and shall ensure that all necessary information is contained in these reports. The Response Supervisor is expected to ensure that each employee’s report is prepared independent of any other report.
- Ensure no involved employee is relieved of duty prior to receiving his/her written report, unless the employee is physically unable to prepare the report due to an injury. If due to the circumstances a verbal report is not possible, the Response Supervisor shall explain the reason for not taking a verbal report.
- Obtain applicable medical reports from health care staff, inspect the form(s) and determine if all relevant information is present.
- If applicable, complete Report of Occupational Injury or Illness Form (SCIF-3067).
- If applicable, complete State Compensation Insurance Fund Employee Claim for Workers’ Compensation Benefits Form (SCIF-3301).
- If applicable, complete Department of Health Services Report of Request and Decision for HIV Testing (CDCR-8439) in cases of potential exposure to bloodborne pathogens.

51020.17.5 Response Supervisor—Additional Reporting Requirements for Deadly Force

When there has been a use of deadly force, the on-duty/Response Supervisor shall ensure that the chain of command is notified and all necessary health and safety, medical, and security measures are initiated. The on-duty/Response Supervisor shall go to the location and ensure that the scene is protected.

For incidents occurring in an institutional setting, the Watch Commander shall contact the institution’s Investigative Services Unit (ISU).
For incidents occurring in a community setting, the on-duty supervisor or Watch Commander shall ensure local law enforcement is contacted. The on-duty/Response Supervisor shall ask the employee who used deadly force to provide a public safety statement immediately after the incident. This is the employee’s oral statement. This statement helps determine the general circumstances of the incident, assess the need for resources, set the perimeter, locate injured persons, and determine the nature of the evidence to be sought. It shall provide basic information such as the number of persons involved in the incident, the number not yet in custody and number and direction of shots fired. The statement shall not include, and the employee should not be asked to provide, a step-by-step narrative of the incident or a motive for his/her actions. Providing a public safety statement does not relieve the staff of the responsibility to submit a written report in accordance with CCR, Title 15, Section 3268.1(a), or within 24 hours after the incident.

The on-duty/Response Supervisor shall capture the essence of the oral statement in writing and submit it to the Incident Commander. In circumstances where the use of deadly force results in death or GBI, the staff using the force will be placed on administrative time off (ATO) for 72 hours in order to facilitate department interviews and staff wellness. These 72 hours will be paid contiguous time off, unless they are scheduled regular days off (RDO). RDOs will count toward staff wellness. These 72 hours will be paid contiguous time off, unless the 72 hours ATO overlap with a period of pre-scheduled time off (i.e., vacation, holiday, sick leave, etc.) the ATO will be used in lieu of, not in addition to the affected employee’s leave credits. As soon after the incident as is practical, the on-duty/Response Supervisor or Incident Commander must also initiate Peer Support Program (PSP) protocols as delineated in DOM Section 31040.3.2. The Incident Commander shall notify the Office of Internal Affairs (OIA) and the Office of the Inspector General (OIG) as soon as possible, but no later than one hour from the time the incident is discovered, of any use of deadly force and every death or GBI that could have been caused by a staff use of force.

### 51020.17.6 Health Care Staff Use of Force – Reporting Requirements

Health Care Services staff shall complete and submit a Crime/Incident Staff Report (CDCR 837-C) whenever a health care staff member:

- Observes use of force.
- Uses force on an inmate.
- Provides clinical intervention prior to a use of force.
- Reviews the health record for conditions that may put an inmate at increased risk for adverse outcome from the use of force.
- Hears an inmate allegation of an unnecessary or excessive use of force during a reportable incident if not already reported on a Notice of Injury or Unusual Occurrence form (CDCR 7219).

On the CDCR 837-C, the licensed mental health practitioner shall provide a timeline for the clinical assessment and intervention process. They shall also document if the inmate had the ability to understand orders, had difficulty complying with orders based on mental health issues or was at increased risk of substantial decompensation due to mental illness. If it was determined the inmate had difficulty complying with orders or was at increased risk of substantial decompensation, the licensed mental health practitioner shall:

- Document that strategies were developed.
- Document if the strategies were implemented.
- Document whether those strategies were successful.

On the CDCR 7230, Interdisciplinary Progress Note, the licensed mental health practitioner shall document information regarding the clinical assessment and intervention process. The licensed mental health practitioner shall document the rationale for the assessment results regarding the inmate’s ability to understand direction, any difficulty complying with direction or substantial risk of decompensation. If strategies were developed, the licensed mental health practitioner shall document specific strategies, whether the strategies were implemented, and the results. In addition to the requirements noted above, the LNS shall complete and submit a CDCR 7219 upon conducting a medical evaluation after a use of force. The CDCR 7219 shall be completed and submitted to the Response Supervisor prior to the LNS leaving the institution and shall:

- Include a quote of the inmate’s own words in the patient comment section.
- After examination, document observations of the area on the inmate where force was applied.
- Include comments or information garnered from custody staff regarding the type and amount of force used.
- Document the injuries sustained and the medical treatment rendered.
- Document if the inmate refuses medical examination and/or treatment.
- Document any alternative assistive device provided and any medical recommendation / accommodation suggested during and after the use of force.
- Document in-cell decontamination instructions and times of 15-minute checks, if applicable.

In addition to the above requirements, LNS shall be responsible for providing custody staff and the Use of Force Coordinator, with notification and updated information in the event that the aftercare treatment process reveals new facts about the severity of an injury.

### 51020.17.7 Incident Commander – Reporting Requirements

It is the responsibility of the Incident Commander to notify the Office of Internal Affairs (OIA) and the Office of Inspector General (OIG) as soon as possible, but no later than one hour from the time the incident is discovered, of any use of deadly force and every death, great bodily injury or serious bodily injury that could have been caused by a staff use of force. Depending on the specific Memorandum of Understanding (MOU) and the nature of the incident, a call to the county sheriff or police department may also occur. Prior to being relieved from duty the Incident Commander or designee shall:

- Initiate the initial incident report, consisting of the Crime/Incident Report Cover Sheet (CDCR 837-A/A1), the Crime/Incident Report Supplement (CDCR837-A1), and the Crime/Incident Report Inmate/Staff/Visitor, Other (CDCR 837-B1/2/3) reports. This shall be an accurate summary of the events as described in the written reports submitted by all employees.
- Prepare the initial incident package. This includes the CDCR 837-A/A1, B and C forms and any other applicable forms or documents.
- Review all incident reports for quality, accuracy and content.
- Clarify incomplete reports with involved staff by completing a CDCR 837-C-2 Review Notice.

In controlled use of force cases in institutions/facilities involving involuntary medication, placement into four/five point restraints, or admission into a licensed health care facility, the Incident Commander shall include in the CDCR 837-A/A1, the name and title of the on-duty health care staff that verified the appropriate medical authorization existed prior to the use of force.

- Prepare and submit a separate CDCR 837-C if they actually used force during an incident, or observed the use of force.

In normal circumstances, it is the expectation that within 24 hours of the incident the Incident Commander or designee will ensure the initial incident report (CDCR 837-A/A1 and CDCR 837-B ) is uploaded in the Daily Information Reporting System (DIRS). Ensure all force related video recordings of inmate injuries or interviews and recordings of controlled force are forwarded to the appropriate location, as set forth in Section 51020.13.

Initiate the Use of Force Review process as set forth in Section 51020.19.1. Should an incident or allegation warrant investigation by the DFIT, the OIA, or any other outside investigating agency, the Incident Commander shall suspend all review of that incident until the investigation is complete.

### 51020.17.8 First/Second Level Manager – Reporting Requirements for Controlled Uses of Force

The on-site manager authorizing the use of controlled force is required to be present during the use of force and document involvement on a CDCR 837C. Any institutional managers consulted regarding a disagreement among the collaborative team members during a controlled use of force shall submit a CDCR Crime/Incident Staff Report (CDCR 837-C) detailing their involvement.

If the Regional Administrators (Medical or Mental Health) or the Associate Director are contacted, they shall submit a CDCR Crime/Incident Staff Report (CDCR 837-C) detailing their involvement.

### 51020.18 Reporting Allegations of Unnecessary or Excessive Force

Any employee who observes a use of force that is unnecessary or excessive shall attempt to stop the violation. Any employee who becomes aware of an allegation
of unnecessary or excessive force, whether it occurs during a reportable incident or not, shall verbally report the allegation to a custody supervisor as soon as possible, followed with appropriate documentation.

If the allegation occurs in conjunction with a reportable incident, the incident shall be reported in accordance with the requirements set forth in this Article and any such allegation shall be documented and included in the incident report package. Each involved employee shall document all details regarding any allegations or observations of use of force that is unnecessary or excessive. This includes a quote of the allegation, or what was seen or heard, including observations of any apparent injuries, and the name of the supervisor the employee reported the allegation to.

All reports shall be submitted to a custody supervisor.

51020.18.1 Allegations of Excessive or Unnecessary Force – Supervisor Reporting Requirements

Whether or not the allegation of excessive or unnecessary force is made in conjunction with a reported use of force, a supervisor who learns of such an allegation shall:

- Make a verbal notification to the Incident Commander as soon as practical.
- Arrange for the inmate to be medically examined and request a full medical assessment of injuries, if any.
- Ensure every staff member who witnessed the allegations and/or staff who witnessed the event leading to the allegations immediately submits the applicable report.
- Review any reports for clarity.
- Submit a package of all documents relating to the allegation, including a copy of the medical report, to the Incident Commander.

51020.18.2 Allegations of Excessive or Unnecessary Force – Incident Commander and Appeals Coordinator Reporting Requirements

When informed of allegations of the use of unnecessary or excessive force, the Incident Commander and/or the Appeals Coordinator shall make an initial assessment of the information received and notify the appropriate First or Second Level Manager as soon as practical. Additionally, the Incident Commander and/or the Appeals Coordinator shall:

- Ensure LNS has evaluated the inmate and a CDCR 7219 has been completed.
- Review written reports of witnesses and obtain statements from inmate witnesses, if any.
- Ensure that the inmate’s injuries are video recorded and the inmate is interviewed within 48 hours in accordance with the requirements set forth in DOM, Section 51020.17.3. This shall be done as soon as possible upon receiving verbal notification of the allegation.

When an allegation is received, whether verbally or through the appeals process, the Appeals Coordinator or Incident Commander shall contact ISU or the Watch Commander and determine if the related incident report exists. The respective Appeals Coordinator or Incident Commander shall note the existence of the incident report by log number in their submittal prior to forwarding the allegation for administrative review. If the inmate has suffered serious bodily injury or great bodily injury, the Incident Commander shall notify the OIA and the OIG as soon as possible, but no later than one hour from the time the incident is discovered. In instances where the allegation was submitted through the inmate appeal process and there is no corresponding incident report, the Appeals Coordinator shall, in consultation with the hiring authority, notify the OIA and OIG.

If, at any point in the review, the Incident Commander and/or the Appeals Coordinator discovers information that leads them to reasonably believe or suspect an employee has committed any serious misconduct, the Incident Commander and/or Appeals Coordinator shall:

- Immediately forward all information to the Institution Head via the chain of command, recommending an internal affairs investigation if appropriate.
- Prepare a Report of Findings-Inmate Interview (CDCR 3014) and/or Appeal Inquiry. The report shall contain the allegations made, an explanation of the incident, the written or verbal statements of the witnesses, the health care information, and a conclusion and recommendation.
- Submit the Report of Findings and/or Appeal Inquiry and evidence through the chain of command to the Institution Head. The evidence shall include copies of the medical reports, and any other documentation that is deemed significant to further document the incident/allegation. If the Incident Commander learns that the verbal allegation is part of a reported incident, the incident package shall be included with the Report of Findings. Correspondingly, if the Appeals Coordinator learns that the written allegation is part of a reported incident, the incident package shall be included with the appeal for administrative review.

51020.19 Reviewing the Use of Force

Each Institution Head shall establish and chair an IERC to evaluate and review every use of force and every allegation of excessive or unnecessary force. Each incident or allegation shall be evaluated at both supervisory and management levels to determine if the force used was reasonable under policy, procedure, and training. For reported incidents, a good faith effort must be made at all levels of review in order to reach a judgment whether the force used was in compliance with policy, procedure and training and follow-up action if necessary. The following factors must be evaluated:

- The threat perceived by the responsible individual applying the force.
- The need for the application of force.
- The relationship between that need and the amount of force used.
- The extent of the injury suffered.
- What steps were taken to avoid and/or minimize the need for/level of force used.

Should an incident or allegation warrant investigation by the DFIT, the OIA, or any other outside investigating agency, or if direct action has been requested for any incident or allegation, the IERC shall suspend all review of that incident until the investigation/direct action is complete. Examples of what may be referred for investigation include but are not limited to:

- Unexplained injuries.
- Impact strikes to lethal target areas (head, eyes, throat, or spine).
- Incomplete/conflicting reports.
- The application of weaponry that exceeds what would normally be expected for the type of force reported.

The IERC shall apply the findings of the Hiring Authority or the DFRB as part of its review.

51020.19.1 Incident Commander Review

The Incident Commander shall review the complete incident package documentation to ensure that it is adequately prepared and shall reach a judgment whether the force used was in compliance with policy, procedure, and training. The Incident Commander shall:

- Review all incident reports for quality, accuracy, and content, including the Report of Finding-Inmate Interview (CDCR 3014).
- Clarify incomplete reports with involved staff by completing a Crime Incident Report Review Notice (CDCR 837-C-2 to the applicable employee.
- Complete an Incident Commander’s Review/Critique Use of Force Incidents (CDCR 3010). This report shall contain:
  - The description of inmate injuries due to force used.
  - An explanation of why force was needed.
  - A description of the threat that required force to be used.
  - What steps were taken to minimize the need for force.
  - Any relevant comments.

In the event the Incident Commander believes an investigation may be necessary, the Incident Commander shall suspend review and recommend that the case be referred for investigation.

51020.19.2 First Level Manager Review

The First Level Manager of the area where the incident or allegation occurs shall reach a judgment whether the force used was in compliance with policy, procedure, and training. The manager shall:

- Review all documentation in the incident package, including the Report of Finding – Inmate Interview (CDCR 3014).
• Review the quality of all reports to ensure the use of force was properly documented and reviewed. This includes a review of the Incident Commander’s conclusions.
• Determine if any corrective action taken by his/her subordinates in relation to the incident was adequate/proper.
• Conduct an in depth analysis to determine if the use of force described in the incident package was within the guidelines of the Use of Force policy, as well as other policies, procedures and training. This analysis should address any non-compliance not identified earlier.
• Complete a review of the incident on the Manager’s Review – First Level Use of Force Incidents (CDCR 3011).
• In the event the First Level Manager believes an investigation may be necessary, they shall suspend the review and recommend that the case be referred for investigation.

51020.19.3 Second Level Manager Review
The Second Level Manager is the final level of review prior to the completed incident package being sent to the Use of Force Coordinator for review by the (IERC). The Second Level Manager shall reach a judgment whether the force used was in compliance with policy, procedure, and training.

The Second level manager shall:
• Review all documentation in the incident package, including, the Report of Findings – Inmate Interview (CDCR 3014).
• Review the quality of all reports to ensure the use of force was properly documented and reviewed. This includes a review of the Incident Commander’s conclusions and the First Level Manager’s conclusions.
• Determine if any corrective action taken by his/her subordinates in relation to the incident was adequate/proper.
• Conduct an in depth analysis to determine if the use of force described in the incident package was within the guidelines of the Use of Force policy, as well as other policies, procedures and training. This analysis should address any non-compliance not identified earlier.
• Complete a review of the incident on the Manager’s Review – Second Level Use of Force Incidents (CDCR 3012).
• In the event the Second Level Manager believes an investigation may be necessary, they shall suspend review and recommend that the case be referred for investigation.

51020.19.4 Use of Force Coordinator Responsibility
The Use of Force Coordinator shall log and track all use of force incidents and all allegations of excessive or unnecessary force (including those originating from inmate appeals) to ensure thorough and timely review by the IERC. The log should be capable of producing statistical reports to monitor trends and patterns of force used, whether the report is received in the form of an incident report, a verbal allegation of excessive or unnecessary force, or an allegation contained in an inmate appeal. At a minimum, the log should address the following categories:
• Incident Log Number
• Incident Date
• Specific Area of Institution
• Specific Crime
• Controlled or Immediate Use of Force
• Allegations of Unnecessary or Excessive Use of Force
• Significant Injury (SBI, GBI, or Death)
• Injuries caused by Use of Force
• Staff Involved
• Inmate(s) Involved
• Mental Health Status
• Type of Force Option(s) Utilized
• Ethnicity,
• Security Threat Group Status.

The Use of Force Coordinator shall schedule use of force incident packages for presentation to the IERC within 30 days from the date of incident. If an investigation or request for direct action has been initiated for a use of force incident, the Use of Force Coordinator will track and maintain the completed incident package until the Hiring Authority has determined a finding upon conclusion of the investigation or request for direct action.

Upon determination of finding for the matter referred for investigation or direct action, the Hiring Authority shall apprise the Use of Force Coordinator of the allegation(s) findings.

The Use of Force Coordinator shall conduct an in-depth analysis of the documentation from each use of force incident, including the conclusions of the Supervisor and Managers. The Use of Force Coordinator shall request any clarification or additional information necessary to complete his/her analysis.

The Use of Force Coordinator shall complete the IERC Use of Force Review & Further Action Recommendation (CDCR 3035), and Institutional Executive Review Committee (IERC) Critique and Qualitative Evaluation (CDCR 3036), documenting his/her findings regarding whether the force used was in compliance with policy, procedure, and training; as well as identifying any recommended revision to policy, procedure, or training.

If a completed incident package has not been received by the Use of Force Coordinator in time to allow for IERC review within 30 days of the incident, the Use of Force Coordinator shall present the incident package to the IERC for an initial review. The initial review of the incident package is intended to give the IERC an opportunity to conduct a preliminary review and document obvious procedural concerns. During the initial review, the CDCR 3035 or CDCR 3036 do not need to be completed. Once the completed incident package is received, the CDCR 3035 and CDCR 3036 shall be completed by the Use of Force Coordinator for presentation to the IERC.

In cases involving allegations of excessive or unnecessary force, whether or not the allegation was part of a reported use of force, the Use of Force Coordinator shall prepare an Institutional Executive Review Committee Allegation Review (CDCR 3034), for review by the IERC.

The Use of Force Coordinator shall prepare complete copies of the incident packages to be reviewed by the IERC during the scheduled meeting. The OIG shall be provided reasonable notice and copies of the packages to be reviewed in advance of the meetings.

If the IERC determines additional information or clarification is required, the Use of Force Coordinator shall forward a request for this information to the responsible Manager and track the assignment.

The Use of Force Coordinator shall maintain a copy of the completed incident package until the information or clarification is received. The Use of Force Coordinator will then complete the analysis and resubmit the case to the IERC.

The Use of Force Coordinator will ensure the IERC findings are documented on the CDCR 3035 and CDCR 3036 following final IERC review of the completed incident package.

After final review by the IERC, any copies of staff disciplinary documents will be removed from the incident package and routed to the appropriate Manager for placement into the appropriate file.

The IERC Chairperson and the Use of Force Coordinator shall review the status of all pending use of force cases following each IERC meeting to evaluate the readiness for final review of the cases.

By the fifth day of each month, the Use of Force Coordinator shall forward a memorandum to the respective Associate Director listing the date of IERC meetings, incident package log numbers, specific crime, and disposition of all incident packages reviewed during the previous month.

51020.19.5 Institution Executive Review Committee Monitoring Responsibility

Revised March 7, 2017

The IERC is a committee of executive staff tasked with reviewing reported use of force incidents and allegations of excessive or unnecessary force. The IERC shall normally be comprised of the following institutional staff:
• Institution Head or Chief Deputy Warden, as chairperson and final decision maker,
• At least one other manager assigned on a rotational basis,
• In-Service Training Manager,
• One health care staff, and
• A Use of Force Coordinator.

A licensed mental health practitioner shall participate in the IERC for all controlled use of force incidents. A licensed mental health practitioner shall also participate in the IERC for any immediate use of force incidents involving an inmate participant in the Mental Health Services Delivery System.

Other designated supervisors and rank and file staff may also attend, as determined by the appointing authority. A representative of the OIG may also attend and monitor IERC meetings.
The IERC shall meet to review its cases on at least a monthly basis, or on a schedule to ensure all cases are reviewed within 30 days. Unless there are outstanding issues or a corresponding investigation, this review will be both an initial/final review.

The IERC Chairperson shall personally view all video recordings arising from contested use of force incidents and any portion of video recordings capturing the immediate use of force. This viewing can be accomplished either before or during the IERC.

During the IERC, at a minimum, the committee members shall view the portions of the controlled use of force video from the admonishment through the last use of force. When video recording captures the immediate use of force, at a minimum, the committee members shall view the video from the initial use of force through the last use of force. Should an incident or allegation warrant a request for direct action or investigation by the DFIT, the OIA, or any other outside investigating agency, the IERC shall suspend all review of that incident until the investigation is completed. Upon the Hiring Authority determining a finding for the referred allegation(s), the IERC shall apply the findings as part of its own review.

The IERC shall determine if the use of force was reasonable and in compliance with policy, procedures and training. The IERC shall also examine the critique and conclusions of the managers and supervisors, and ensure the appropriateness of completed documentation.

The IERC shall complete an Allegation Review of all allegations of excessive or unnecessary force.

The IERC may initiate requests for additional information or clarification (clarification requests will be routed to the responsible Manager and tracked by the Use of Force Coordinator). The final review will determine whether the use of force was reasonable.

The IERC may recommend changes to procedure or training. The IERC is also responsible for identifying possible employee misconduct and recommending the initiation of training, corrective action or disciplinary action in such cases. However, only IERC members in supervisory or management roles (including the Use of Force Coordinator) may participate in discussions involving the initiation of corrective or disciplinary action.

The hiring authority may initiate changes to local procedure or training based on the findings or recommendations of the IERC, or forward a recommendation of change to the CDCR policy or procedure via the Associate Director. The Institution Head may also initiate corrective or adverse employee action based upon the findings or recommendations of the IERC.

51020.19.6 Department Executive Review Committee Monitoring Responsibility

Revised March 7, 2017

The Department Executive Review Committee is a committee of staff selected by, and including, the Associate Director who oversees the respective Mission-based group. The DERC shall review all incidents involving deadly force, serious bodily injury, great bodily injury, or death.

The DERC shall also review those incidents referred to the DERC by the IERC Chairperson or otherwise requested by the DERC. The DERC shall conduct a review of the incident and document its findings. The DERC shall also review the actions of the IERC and in the event the DERC has questions or concerns with actions taken by the IERC, the DERC shall take appropriate action. The DERC shall conduct all reviews within sixty (60) days of completion by the IERC.

For every discharge of deadly force from a firearm, an ISU Sergeant or above shall be tasked with making the prompt determination of whether the deadly force was a warning shot and whether anyone suffered any injuries as a result of the deadly force. The ISU shall verbally notify the DFIT of its determination as soon as possible and shall confirm its determination, along with the reasons in support of it, in a written memorandum to be forwarded to the DFIT. If the ISU is unavailable to assume this responsibility, an uninvolved Correctional Lieutenant shall do so.

51020.20.2 Deadly Force Investigation Team Responsibility

Trained Department investigators assigned to a Deadly Force Investigation Team shall conduct criminal and administrative investigations of every use of deadly force and every death or great bodily injury that could have been caused by a staff use of force.

Based on certain local Memoranda of Understanding, criminal investigations may in some locations be conducted by a local police department or sheriff’s office. If an outside law enforcement agency is conducting the criminal investigation, the DFIT investigator will monitor the progress of the criminal investigation while providing appropriate support.

Although defined as deadly force, DFIT need not investigate the discharge of a warning shot inside an institution/facility if an ISU Sergeant or above, or an uninvolved Correctional Lieutenant, confirms that the discharge of deadly force was a warning shot and that no injuries were caused by the shot. All warning shots shall be reported to the Office of Internal Affairs/DFIT and the Office of the Inspector General (OIG).

51020.20.3 Deadly Force Review Board

The DFRB is the board responsible for conducting a full and complete review of all incidents involving a use of deadly force (except warning shots) and every death or great bodily injury that could have been caused by a staff use of force, regardless of whether the incident occurs in an institutional or community setting.

The DFRB shall be composed of at least four members. Three shall be non-departmental law enforcement professionals. One (1) shall be a Division, Parole Region, or Institutional-facility manager (i.e. Associate Directors, Division of Juvenile Justice Superintendents, Chiefs or designees) from outside the chain of command of the involved employee(s). Additional members may be designated by the Secretary or designee.

The reports and findings generated from the separate investigative bodies (DFIT and local law enforcement if applicable) will be presented to the DFRB. The DFRB shall be convened as soon as possible after the criminal and administrative investigations are completed.

The DFRB shall examine all aspects of the incident to determine the extent to which the use of force complied with departmental policies and procedures, and to determine the need for policy, training, and/or equipment modifications.

The DFRB shall report its findings and recommendations in writing, to the Undersecretary assigned to oversee the DAI.

51020.21 External Review of the Use of Force – The Use of Force Coordinator Responsibility

For purposes of an external review, the Use of Force Coordinator shall identify and retain use of force cases closed by the IERC during the review period. External reviews of closed use of force cases shall be conducted at least every 24 months.

51020.22 Revisions – Use of Force Joint Use Committee (JUC)

The Use of Force JUC is a committee of field staff tasked with reviewing and evaluating recommended revisions to the CDCR’s Use of Force Policy and Procedures.

The JUC shall be comprised of the following field staff:

- At least one Institution Head, as chairperson
- At least one staff member from each DAI, mission based region, at the level of Lieutenant or Captain
- At least one Use of Force Coordinator
- At least three representatives from the CCPOA, as designated by the CCPOA
- At least one Mental Health Regional Administrator
- The Chief of OIG or designee, and
- Others as needed and assigned by the Deputy Director, DAI.

The JUC shall meet quarterly as necessary, but not less than annually, to review recommended revisions.

51020.22.1 Revisions Approval

Any recommendations for revisions to this Article shall be referred to the Use of Force Joint Use Committee. After review and consideration, the Use of Force JUC shall refer revisions to the Director, DAI, for approval, via the Deputy Director.
Only the Director of DAI, or the Director’s designee, may issue clarification memoranda to this Article.

51020.23 Revisions
The Director, DAI, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

51020.24 References
PC § 118.1, 196, 197, 243, 835, 835a, 843.
CCR (15) § 3268, 3268.1, 3268.2, 3275, 3276, 3278, and 3397.

ARTICLE 3 — INCIDENT REPORT
Effective December 27, 1989

51030.1 Policy
Revised January 30, 2017
Incidents, events and activities that occur within the jurisdiction of institutions of immediate interest to the Department, other governmental agencies or the news media, shall be reported to the Director or the departmental Officer-of-the-Day, or the Deputy Director, DAPO as described in this section.

51030.2 Purpose
This procedure defines staff responsibility and provides procedures and criteria for reporting incidents occurring within the Department.

51030.3 Reportable Incidents
Revised April 24, 2017
Examples of incidents which shall be reported:
- All felonies committed by inmates, parolees, employees or the public on institution property, during transportation or under the jurisdiction of parole regions.
- General or partial lockdowns.
- Riots, inmate strikes or general demonstrations.
- Major power failures.
- Serious accidents or injuries.
- Deaths.
- Significant damage or destruction of state property.
- Escapes or attempted escapes, (refer to DOM 55040, Escape Pursuit).
- Any state of emergency as described in CCR 3383.
- Any use or discharge of weapons, chemical agents or tasers.
- Threats against the President or Vice President of the United States, or threats against state officials.
- Safety grievances (employees).
- Employee job actions.
- Sexual Violence Allegations.
- Attempted Suicide (as determined by a mental health evaluation).

51030.4 Incident Reporting Procedures (Institutions)
All reportable incidents shall be conveyed by telecopier on a CDCR Form 837 series, Administrative Officer-of-the-Day (AOD) Incident Report, to the Director, by the 24-hour-a-day Identification and Warrants (ID) Unit.

51030.4.1 Administrative Officer-of-the-Day Incident Report, CDCR Form 837 Series
The Administrative Officer-of-the-Day Incident Report, CDCR Form 837 series, is the Department’s initial written report to Central Office that an incident of departmental interest has occurred. It is essential that all information available at the time of the incident be entered into this report. Any subsequent updating of information relating to the incident should be forwarded to Central Office using the AOD 837 Log Number of that particular incident.

Initial Report Content
Initial reports by telecopier shall include all pertinent available information. New information significant to the incident shall be telecopied as received.

Press Releases
The Assistant Director, Communications, shall be notified by telephone of press releases or serious incidents. A written copy of the press release shall be telecopied to Communications following the verbal notification.

51030.4.2 Incidents on Department Buses
The transportation sergeant or senior officer in charge of the bus shall be responsible for reporting incidents which occur during departmental transportation. The Captain, Transportation Unit, shall be responsible for the processing and distribution of incident reports prepared by staff of the transportation unit. Copies of the incident report shall be forwarded to institutions receiving inmates involved in transportation incidents.

51030.5 Formal Incident Reports
A written incident report shall be prepared and submitted to the Director within 72 hours of all reportable incidents. The Warden or RPA will review and sign this report.

51030.5.1 Supplemental Incident Reports
Initial incident reports to the Director shall be updated by supplemental incident reports until the incident is closed. The supplemental reports shall include all subsequent facts, information, and administrative actions taken relative to the incident.

51030.5.2 Incident Report Log
Facilities and parole regions shall establish and maintain an official log on all reportable incidents. All initial incident reports shall be assigned a log number. Incident report log numbers shall be obtained from the original CDCR Form 837 series, AOD Report, pertaining to the incident. All supplemental reports pertaining to a single incident shall contain the log number assigned to the initial report and shall be filed sequentially with the original report.

51030.6 Format and Content
Revised February 26, 1993
The facility watch commander or program lieutenant in charge of the specific area where the incident occurred shall be responsible for the preparation of the incident report. Departmental incident reports shall be prepared in accordance with the following outline and format:
- Subject.
- Synopsis.
- Persons involved.
- Summary.
- Action taken.

The outlined sections shall contain the following information when applicable:
- Subject. This section shall provide a brief one-or-two sentence description of the incident.
- Synopsis. This section shall contain a brief, concise description of the incident and involvement of the principal person(s). It shall also contain a description of the injuries, a prognosis for each injured person, the location of the incident, and the extent of property damage if any.
- Persons Involved. The following information shall be included on principal inmates involved:
  - Name(s) and prison number(s).
  - Custody classification and classification score.
  - Date received by the Department.
  - Date received by the facility.
  - Commitment offense and county of commitment.
  - Parole/discharge date/Board of Prison Term status.
  - List name(s) and job classification(s) of principal staff involved.
- Summary. This section shall contain a detailed report of the entire incident including, when applicable, the following information:
  - Type of incident, date, and approximate time of occurrence.
  - Location of incident.
  - All facts, details, and conclusions.
  - Any criminal acts committed by whom.
  - Any property damage incurred and value estimate of loss.
  - Number and description of weapon(s) used by perpetrator(s) or recovered following the incident.
Types of weapons used by staff, i.e., firearms, chemical agents, tasers, or other lethal/nonlethal weapons. Number of shots fired and/or amount of chemical agents expended shall be included in this section. (See DOM 32010, 54060, and 55050 for additional information on the taser.)

Compliance with procedures requiring review of medical/psychiatric records before taser is used and their findings.

Detailed and specific description of any physical force used by staff during the incident.

Types and amounts of controlled substances seized. Controlled substances shall be reported in grams or dosages.

Describe circumstances surrounding any staff, inmate, or visitor death and details of care provided. Any last messages wished transmitted by the deceased shall be quoted.

Describe any injuries to staff/inmates/visitors, medical aid provided, and prognosis. An (F) or (M) shall be placed after the names of injured staff members to designate whether male or female.

Action Taken:

- Describe any disciplinary or classification committee actions taken and outcome if known.
- State if case was/was not referred for criminal prosecution. If referred, describe status or outcome if known.
- State whether or not information officer and/or news media was notified.
- State if case was referred to the BPT and actions taken if known.
- State if Chief of Labor Relations was notified in cases of employee injury or death.
- Describe actions to notify next of kin in cases of serious injury or death.
- Describe measures taken to prevent recurrence.

51030.6.1 Attachments

The following attachments shall be included in incident reports when applicable:

- Arresting and/or witnessing officer reports.
- Reports of principal employees involved.
- Medical and/or death reports on injuries or deaths.
- Photographs shall not be attached to incident reports sent to the Director unless requested.

51030.6.2 Copies and Distribution

Incident reports shall be duplicated by the photocopy method only and distributed as follows:

- Two copies to the Director. (Three copies if death of staff or inmate by assault.)
- One copy to each institution if deemed serious or unusual, or if considered to contain information of particular training value. (Individual institutions may also request routine distribution.)

CYA Wards

- One copy to the Chief Deputy Director, CYA, for each CYA ward involved.
- One copy upon request to the Region Chief of the Department of Forestry and Fire Protection of conservation camp incidents involving forestry employees.

51030.6.2.1 Confidential Incident Reports

Incident reports which contain confidential information shall be written, controlled, and distributed in accordance with CCR 3321, and applicable information practices procedures.

51030.7 Revisions

Revised January 30, 2017

The Deputy Director, Division of Adult Institutions or designee shall ensure that the content of this article is accurate and current.

51030.8 References

PC § 76. 18 USC 871.

CCR §§ 3382, 3276 - 3279.

ACA Standards 2-4206 - 2-4208, and 2-4210.
At a minimum of once each month, supervisors shall inspect the post orders and sign the CDC Form 1860. Any torn or missing pages noted shall be replaced as soon as practical.

51040.6.2 Post Order Acknowledgment Form
A CDC Form 1860 shall be attached to each post order and shall be utilized to verify that the assigned staff member has read and understood the post orders for their post.

• When all the signature blocks on the CDC Form 1860 are filled, it shall be removed and maintained in a file in the Captain’s office or Health Care Manager’s office (for health care staff). The CDC Form 1860 shall be maintained for a period of one year from the date of last entry unless deemed evidentiary (then retained until no longer needed).

51040.7 Post Order File
The Captain's office or Health Care Manager’s office (for health care services post orders) shall retain all current/updated institution post orders on computer diskette, as well as hard copies. All post orders shall be archived for a period of one year, unless deemed evidentiary (then retained until no longer needed).

51040.8 Revisions
The Deputy Director, Institutions Division, or designee shall ensure that the contents of this article are kept current and accurate.

51040.9 References
ACA Standards 2-4200 and 2-4201.

ARTICLE 5 — POST ASSIGNMENT SCHEDULE
Effective December 19, 1989

51050.1 Policy
All Wardens and RPAs shall maintain currently approved post assignment schedules. The schedules shall reflect the most recent revisions of 30 days duration or longer. Each Warden and Regional Administrator shall update their post assignment schedule in September for the current fiscal year (e.g., September 1988, for fiscal year 1989-90). The post assignment schedules shall reconcile with the most recent Governor’s budget available, as amended by legislative action.

51050.2 Purpose of Post Assignment Process
The post assignment schedule (PAS) is a vehicle identifying how the Governor’s budget is converted to authorized staffing of a facility. The master assignment roster provides an approved method for effectively staffing the operation of an institution on a day-by-day (shift-by-shift) basis.

51050.3 Maintenance of Schedules
Separate post assignment schedules shall be maintained for each of the following areas:
• Custody.
• Food service.
• Medical-dental and psychiatric.

51050.3.1 Custody
A post assignment schedule for custody shall include all positions in the custodial series within the institution, reception center, or community correctional center. This includes officers, sergeants, lieutenants, captains, training officers, and Associate Wardens.

51050.3.2 Food Service
A post assignment schedule for food service shall include all food service positions, exclusive of clerical.

51050.3.3 Medical, Dental, and Psychiatric
A post assignment schedule for medical-dental and psychiatric shall be all supervisory and rank and file positions, exclusive of doctors of medicine, doctors of dental science, psychologists, and clerical positions.

51050.3.4 Definitions of Post Positions, Personnel Year
A post is a specific work assignment to be performed by one individual at a time on a specific shift or watch and for a specified number of days per year.

• This definition also identifies or assigns a post to a specific watch.
• A tower that is manned 24 hours per day, 365 days a year, is not considered one post. Since it involves all three watches, it is three separate posts.

Post Position
A position is a budgetary concept that equates to an annual salary plus benefits paid to an individual for the performance of a given kind of work (i.e., a classification such as OA II or Officer).

Personnel Year
A personnel year is the number of days worked by an employee in one year. Currently, a personnel year is set at 227.5 days.

• This figure is the basis for determining the number of positions needed to fill posts based on the number of days per year the post requires staffing.
• A post requiring 331 days of coverage per year will require 331/227.5 = 1.46 positions.
• A post requiring 104 days of coverage in one year will require 104/227.5 = .46 positions.

51050.3.5 Included Positions
All budgeted post assignments shall be carried on the post assignment schedule.

51050.4 Formulas
Formulas provide the method used to effect the correct staffing of a facility, including base coverage and relief. The formulas, as determined by the DOF, are subject to change based on the estimated relief required for post coverage. Currently the DOF utilizes the 1.61 formula. Post requiring less than full relief are documented by fractional indicating only relief that is required. This is determined by the number of shifts and the number of days per week post coverage is necessary and whether that post needs regular days off (RDO), vacation, holiday, or sick leave relief.

• The 1.61 formula, based on a personnel year of 227.5 days, (Refer to DOM 51050.3.4) went into effect for all positions approved after July 1, 1987 and is the formula used for staffing all facilities.
• The number of days per year allotted to each type of relief under the current formula based on a personnel year of 227.5 days is as follows:
  • RDO = 104 days = 104/227.5 = .46 positions.
  • VR = 13 days = 13/227.5 = .06 positions.
  • Hol = 13 days = 13/227.5 = .06 positions.
  • SL = 7.5 days = 7.5/227.5 = .03 positions.
• These forms of relief add up to .61 positions. A post requiring full relief coverage eight hours per day, 365 days per year therefore requires 1.61 positions.

51050.5 Detailing Post Assignment Schedule
CDC Form 671-C, Post Assignment Schedule (PAS) – Detail (Part C), shall list post by rank and in sequential order. Each classification shall be started on a new detail sheet. Allow for expansion of the number of posts within the sequential order in subsequent sections of the PAS. It is advisable to leave spaces between major program units or areas within a particular classification. Post detail information is determined by staffing (i.e., 1st, 2nd, 3rd watch) and authorized position count.

• Post Assignment Schedule – Detail sheet shall include the following:
  • Post number – as determined by the person developing the post assignment schedule.
  • Post description.
  • Watch – when posts are reflected on multiple shifts, each must be delineated separately.
  • Position total – the total of each post or identified relief shall never exceed the number one, i.e., there shall never be more than one person in one post at any given time.
  • For each post classification, there are four different kinds of relief: (RDO, Vacation, Holiday, and Sick Leave.) These shall be reflected in the appropriate column.

The positions requiring relief information are derived by totaling, within each classification, the different areas of relief (i.e., RDO, vacation, holiday and sick leave).

• At the bottom of each detail sheet is a row labeled “TOTALS.” The number of ones “1’s” in each column should be placed in the appropriate box at the bottom of the detail sheet.
• Once the proper relief information is obtained by totaling the column counts on the detail sheet, it shall be transferred to the positions requiring relief column on the summary sheet.

340
The purpose of the PAS summary sheet is to convert detail information into personnel years in order to obtain the correct position count in each classification.

The PAS shall contain a cover sheet identifying the letter designation of each CDC Form 607, the CDC Form 607 number, the fiscal year of the CDC Form 607, and a brief description of the CDC Form 607 derived from line 10 of the CDC Form 607.

A new post that has no corresponding number in any preceding PAS should be designated “NEW” in the “other” column with a reference to the authorizing CDC Form 607 document number.

The importance of being able to track posts from one year to the next to its original authorizing document cannot be over emphasized.

Footnotes – shall be located at bottom of the same page as information referenced.

51050.6 Post Assignment Schedule – Summary

The purpose of the PAS summary sheet is to convert detail information into personnel years in order to obtain the correct position count in each classification.

• When the PAS summary is completed it shall reconcile with the Governor’s budget/salary supplement.
• Each classification shall be computed individually. The person days information is derived by utilizing the 1.61 conversion formula.
• The PAS Summary Sheet contains five identical blocks of row/column configurations—each is intended for the calculation of the total positions required to staff the posts of a given classification. The classification to which each block applies should be typed under the heading, “POSITION CLASSIFICATIONS.”

The days of total relief information is derived by multiplying the positions requiring relief by the days column. The total days of relief information is derived from totaling the various sections (i.e., RDO, vacation, holiday, and sick leave) within the days of total relief column.

• The divisor (base) for the total days of relief column is derived from the 1.61 conversion formula. (RDO-104, VAC-13, Hol-13, SL-7.5).

The total person years of relief column information is derived from dividing the total days of relief column information by the indicated base.

The total regular positions column information is derived by totaling the entire column, within each classification, on the detail sheets.

The total positions regular relief column information is derived from adding the total personnel years of relief column information with the total regular positions column information.

51050.7 Reconciliation and Annual Update

Reconciliation of the PAS to the Governor’s budget shall be the function of Business Services, however, it shall be done in concert with the Associate Warden, Business Services, or designee, and the personnel lieutenant who puts together the PAS detail and summary. Since the budget cannot be adjusted, the PAS shall be adjusted to reconcile with the budget. Reconciliation shall be annotated to reflect:

• All custody positions by classification, including those outside the custody reporting units.
• CDC Form 607 which impact adjustments.
• Identify whether it is custody, medical, or food service.
• Each classification shall be within 0.5 positions of budgeted total with the inclusion of temporary custody help. Grand total (all classes) shall be within 0.5 positions of budgeted total but shall not exceed the Governor’s budget.

51050.8 Annual Update and Submission

For clarity the following CDC forms shall be referred to:

• CDC Form 671 – Post Assignment Schedule – Reconciliation as Part “A.”
• CDC Form 671 – Post Assignment Schedule – Summary as Part “B.”
• CDC Form 671 – Post Assignment Schedule – Detail as Part “C.”

The purpose of Part “A” Reconciliation, is to ensure that the facility total position count in each classification reconciles with the position count derived from the Governor’s budget.

Prior to October 1, Part “B” and Part “C” shall be reviewed for changes since the last approved revision or submission. If changes have occurred since the last approved PAS, Parts “B” and “C” shall be revised accordingly. Revised and/or existing copies of Parts “A,” “B,” and “C” shall be submitted annually and distribution shall be as listed below in this section.

In order to reconcile the PAS with the authorized position count, fractional positions and temporary help blankets shall be accounted for. In addition, institutions that have established temporary help/sick leave blankets to fund sick leave usage shall account for fractional positions and temporary help in order to reconcile the post assignments.

Differences of 0.5 of a position or less between the post assignment schedule count and the budgeted count as reported on Parts “A” and “B,” are permissible, within each classification. However, the total institution post assignment schedule count shall not exceed the total budgeted count.

Relief for posts, as indicated on the PAS, shall reflect accurately the actual relief provided. For example, if a post is assigned vacation, RDO, holiday, and sick leave relief, such relief shall be indicated in Part “C” and carried forward to Part “B.”

The annual submission of the PAS shall include six copies. (No mimeograph or ditto copies). This package shall be submitted to the Deputy Director, ASD, no later than October 1 of each year.

The Budget Section, ASD shall confirm reconciliation with the authorized position count and shall forward to the appropriate office for approval. Ultimate distribution of the approved PAS shall be as follows:

• One copy to the DOF.
• One copy to the Legislative Analyst.
• One copy to the Deputy Director, Institutions Division.
• One copy to the Budget Section files.
• One copy to the Budget Analyst.
• One copy to the institution (approved copy).

51050.9 Approval of Revised Post Assignment Schedule

Post assignment schedule revisions of 30 days or more duration shall require departmental approval.

Revisions of 30 days duration or more shall be submitted for approval as they occur. The affected pages of Part “C” shall be revised. Parts “A” and “B,” if affected by the change, shall also be revised. (Refer to DOM 51050.10).

A comprehensive justification, in the form of a memorandum, shall also be submitted explaining the proposed changes and the reason for such changes. A synopsis of the changes shall be included. If the revision includes the deletion of a post(s), the institution shall explain how it will function without that post(s).

The PAS revision shall be reported to the DOF and the Legislative Analyst after department approval, it shall be written in such a manner that non-departmental personnel will fully understand the proposed changes.

Six copies of the revised pages and the justification shall be submitted to the Deputy Director, ASD.

51050.10 Master Assignment Roster Purpose

The purpose of the master assignment roster (MAR) shall be to convert approved PAS information into a working document which shall be utilized by staff in a facility on a daily basis.

The PAS is the controlling document. The master roster developed from it must be a true and accurate representation of it (i.e., the post and reliefs provided in the master roster must correspond identically to the posts detailed in the PAS). Any changes to the PAS shall also be reflected in the MAR. The MAR provides:

• A ready reference point for identifying employees by name, watch, post, position title, RDO’s, program unit, etc.
• A definitive roster from which the daily watch sheets can be produced.
• A source for statistical analysis of employee/post information (e.g., ethnic or gender reports, 60/40 watch preference report, etc.).

51050.11 Post Numbers

Each post number should be prefaced by watch indicator (e.g., 101 for first watch; 201 for second watch, 301 for third watch). Additional clarification shall be gained by prefacing each RDO relief position with a letter designation (e.g., RO-101 where “R” = relief and “O” = officer; RS-101 where “S” = sergeant, and RL-101 where “L” = lieutenant). At institutional complexes with more than one
facility (e.g., Correctional Training Academy) each post may be prefaced by a fourth indicator (e.g., CTF-C, 1101; CTF-N, 2101; CTF-S, 3101).

51050.11.1 Master Assignment Roster Work Sheets

The construction of the MAR is best accomplished by transferring the PAS information to MAR work sheets and using a two person team. The team shall be comprised of the Captain who is responsible for constructing and developing the PAS and the other shall be the personnel assignment lieutenant.

- One team member shall identify and verbalize necessary PAS information for inclusion in the MAR and the other team member shall transpose that information to the MAR worksheet.
- The MAR worksheet serves a vital function in the preparation of the MAR. It isolates the posts requiring relief, with the RDO relief positions that shall serve as their relief.

Each RDO relief position shall provide relief for two and one half posts; the worksheet is divided into seven horizontal rows and nine vertical rows.

- The first five horizontal rows are for posts that shall receive the relief.
- The last two horizontal rows are for the RDO relief positions that shall provide the relief.
- The first vertical row is for the post number, the second for the post description (title), and the last seven for the days of the week.
- As RDOs are designated for a post, the RDO relief position’s number is written in the appropriate day column, and the post which is being relieved shall have its post number written in the appropriate day column of the RDO relief position which is designated as its relief.

51050.11.2 Considerations

In constructing the MAR or MAR work sheets, employees occupying specific posts shall not be considered; only the post, its security and/or supervisory requirements shall be considered.

RDO Positions

RDO relief positions shall not be established where the position only relieves one post during the work week and the remaining four days are called utility days. Utility days are days without a pre-assigned post and are used where coverage is needed (i.e., sick coverage). The one remaining post shall require relief coverage with a permanent intermittant employee or on an overtime basis.

- Utility days built into RDO relief positions shall be minimized.
- Three utility days per classification is the maximum acceptable; however, this maximum is unacceptable if other alternatives exist.

RDO Structure

To determine RDO relief structure, transfer information from PAS relative to all posts requiring relief to MAR work sheets.

- Use unique identifier for both classification and watch. (Refer to DOM 51050.11).

- Where possible, maintain an RDO relief within the same area of supervision.
  - Ensures continuity.
  - Maximizes job familiarity.
  - Enhances supervisory efficiency.

- Ensures first and second line supervisors within same supervisory area do not have the same days off.

- Every effort should be expended to minimize the number of RDO reliefs that cover more than one watch. However, when scheduling an RDO relief to cover more than one watch, consider the employee and utilize the 3-2-1 concept.

- Using the 3-2-1 (third, second, first watch) concept extends the hours of regular days off.

51050.11.3 Relief Positions

The number of vacation relief positions (by individual classification) is established by summarizing days of total relief for vacation and then dividing the total by the formula base. (.06).

- To determine Holiday relief positions use the same formula as vacation relief positions.

51050.12 Formatting Master Assignment Roster

After completion of MAR work sheets, consideration shall be given to formatting the MAR and daily watch sheets in the same positional sequence. Formatting order shall be watch, unit, area of supervision, classification (rank), post number, name, RDO, and comment section.

51050.12.1 Watch

All MAR information shall first be segregated and structured by watch.

51050.12.2 Area of Supervision

Areas of supervision shall be segregated and structured according to each unit of responsibility and clearly identify every post under his/her supervision.

51050.12.3 Classification

Classification (rank) shall follow area of supervision in the structure sequence of the MAR.

51050.12.4 Post

MAR information shall be structured in sequential order of the post number (vertical column 1).

51050.12.5 Position Title

The position title shall be placed in vertical column 2 and shall not deviate from PAS approved position title. Abbreviate where space requires.

51050.12.6 Name

Column 3 shall be used to reflect the name of the employee presently assigned to the position. Vacation relief (VR) is indicated in this column by placing VR’s name and vacation relief beginning and end dates in parentheses after regular employee’s name.

51050.12.7 Regular Days Off

The next seven vertical columns, identifying the days of the week normally beginning with Monday and ending with Sunday, are used to reflect the indicated post RDOs.

- Where relief is provided, the relieving positions RDO relief number shall be indicated in the appropriate RDO column.

- Post which do not require relief, “R,” “RDO” or some other representation shall be placed in the RDO column to indicate no relief is provided.

51050.13 Variances Between Post Assignment Schedule and Master Assignment Roster

The PAS allows .46 relief for each post that requires RDO relief; however, in developing the MAR you only need .40 relief for each one hundred post requiring RDO relief. As a multiplier, for every ten posts you shall utilize 4.0 RDO relief even though you are budgeted for 4.6.

RDO relief—for every hundred posts requiring RDO relief you are budgeted for 46 RDO relief positions.

Note: Based on example of 100 positions (40 actual against 46 budgeted), the six positions shall be placed in the RDO relief positions for budget accountability.

51050.14 Daily Time Sheet

Daily time sheets shall be derived from the master roster and shall reflect the same post numbers and titles as are in the PAS.

- They are used on a daily basis on each watch to verify the work status of each employee on a particular day.

- Daily time sheets are used by the personnel timekeeper to post time on the master attendance books for payable disbursement purposes.

- The daily time sheet also reflects pay blanket codes and are therefore used in tracking and managing expenditures, (i.e., sick leave usage).

- Daily time sheets are used to record information required under the FLSA.

Format

All facility daily time sheets shall contain the following elements:

- Unit/facility.

- Watch.

- Date and day.

- Post number.

- Post title.

- Regularly assigned hours column.

- Employee name and initials.

- Column for start and stop times.

- Plus and minus code column.

- Hours worked column.

- Comment column.

- Overtime section.
51060.1 Policy
Each Warden shall maintain a chronological log of unusual or significant occurrences regarding inmates and staff or other events about which facility management should be informed.

51060.2 Purpose
The purpose of this procedure is to establish guidelines for a comprehensive compilation of occurrences within the facility for review by administrative staff.

51060.3 Responsibility
The logging of all pertinent information shall be delegated to Watch Commanders on each shift.

51060.4 Recording Methods
Activities and events that are not otherwise recorded and readily available for review by administration and other staff, shall be recorded on the Daily Activity Report (DAR).

All staff working a particular shift or watch shall report through the chain of command all significant information pertaining to their assignment. This information shall be assembled on one report by watch, first watch through second and third watches.

51060.4.1 Content
Each facility/parole region shall develop a daily activities report form that will supply the information relative to their needs.

• Routine information that is readily available through log, records, etc., that can be obtained swiftly need not be included.
• Any information of unusual or significant events/actions shall be included.

The following items are examples of content only:

• Delays in count.
• Population changes.
• Accidents (any type).
• Any felony or serious misdemeanor occurrence.
• Delays in serving meals.
• Injuries to staff, visitors, or inmates.

• Sick leave usage (numbers of staff).
• Overtime usage.
• Inspection report.

51060.5 Distribution of Report
The Watch Commander shall prepare the DAR and adequate copies for distribution. The original report shall be retained in the Watch Office as a permanent log. A copy shall be forwarded to the Captain or the Associate Warden—Custody, and a copy shall be delivered to the Warden and Chief Deputy Warden. Other copies may be provided to staff based on the need of the facility. The Captain or Associate Warden shall take whatever follow-up action is indicated in reference to items reported and shall report such actions to the Warden by 9:00 a.m. on the first day following the recording except on weekends and holidays. The Watch Commander shall report significant occurrences to the Warden at any time through the normal chain of command or through the Administrative Officer-of-the-Day.

51060.6 Revisions
The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this article are kept current and accurate.

51060.7 References
PC §§ 5054 and 5058.
51070.4 Pronouncement of Death
Only a doctor of medicine shall pronounce a person dead.

51070.5 Responsibility of Warden/Regional Parole Administrator (RPA)
The Warden/RPA or their designee shall:
- Effect all medical and legal requirements as soon as practicable.
- Ensure that all necessary requirements for care and maintenance of remains and artificial appliances following death are accomplished in accordance with instructions dictated by the appropriate coroner’s office and this manual.

51070.6 Chief Medical Executive
Revised September 6, 2013
The CME or MOD on duty shall:
- Notify the watch commander or senior custody officer in the area of occurrence that the patient/victim has expired stating the time of death.
- Notify the coroner of the death and request their inquiry or release of the body.
- Upon obtaining the coroner’s permission, cause the body to be covered and removed to the morgue or a private room in the treatment facility.
- Notify the Warden or Administrative Officer-of-the-Day (AOD), giving all significant points of administrative and medical/legal interest.
- Prepare a written summary of circumstances surrounding the death on CDCR Form 7229-A, Initial Inmate Death Report, or CDCR Form 7229-B, Initial Inmate Suicide Report, providing tactful wording of information that can be used in notifying the contact listed. Any last messages the deceased wished to be transmitted must be quoted.
- An original and five copies shall be prepared and routed to the Warden.
- Notify all required agencies of any communicable diseases discovered during examination.
- In the event the deceased inmate had a diagnosed communicable disease, the contract funeral director charged with the removal of the body from the facility shall be notified of such disease prior to the release of the body.
- Close out all medical records and transmit them to the records office for inclusion in the decedent’s C-File.

51070.6.1 Death Certificate
The CME or physician examining the body and pronouncing death will specifically determine whether he/she can sign the death certificate or must refer it to the coroner. H&S Code 10259 states the coroner will be notified and will sign the death certificate if death occurs:
- Without medical attendance.
- During the continued absence of the attending physician (vacation, etc.).
- Where the attending physician is unable to state the cause of death.
- Where suicide is suspected.
- Following an injury or accident.
- Under circumstances as to afford a reasonable suspicion that the death was caused by the criminal act of another.

The physician shall complete and sign their section of the death certificate within 15 hours of the death. An original and five copies will be prepared. The original will be forwarded to the undertaker for completion and the copies will be routed to the Warden. Pursuant to H&S Code 10204, the coroner shall complete the certification of death within three days after examination of the body.

51070.7 Responsibility of Senior Custody Staff Member
Revised September 6, 2013
Upon notification of a possible death, the senior custody staff or watch commander shall assure the following steps are accomplished:
- Make or cause to be made the decision for the need to secure the death/incident scene. Any evidence and areas surrounding the death/incident scene shall not be disturbed until an investigating officer is assigned and on the scene.
- Initiate investigation or other custody measures as indicated.
- Order all pertinent materials gathered, i.e., personal property, visiting information, mail card, etc.

51070.7.1 Identify Decedent
Revised September 6, 2013
The senior custody staff member shall arrange for identification of the deceased as soon as practical.

Fingerprints
- Arrange for the taking of a full set of the deceased’s fingerprints on the approved Fingerprint Card, signed by the employee taking the prints.
- Required for legal identification of deceased.
- If fingerprinting is impossible, positive identification must be made by other means (photograph, scars, etc.).

Other
- Identification by means other than fingerprinting requires a notarized affidavit.
- Fingerprint cards or affidavit shall be forwarded to the C&PR.

Exception to Fingerprinting
In circumstances involving suspected homicide, fingerprints shall not be taken. Each hand shall be wrapped in a paper container by the medical representative or the institutional investigator.

Fingerprinting shall be completed by the coroner/designee.
- Notify the chaplain of the death giving the inmate’s religion if known.
- Notify the Warden or AOD and the CME or MOD.

51070.8 Circumstance of Death Report and Distribution
The highest ranking custodial officer or designee shall prepare and deliver within four hours of death a brief notice providing the decedent's name, number, time and place of death, and other pertinent facts to:
- The Warden/RPA.
- Chief Deputy Warden.
- CME.
- Associate Warden, Business Services.
- PIO/AA.
- Correctional Case Records Manager (CCRM).
- Correctional Captain.
- Parole agent or reentry facility administrator.
- Chaplain of the deceased’s faith.

51070.9 Notification of Appropriate Agencies
Two-Hour Notification
Any death of an inmate in any facility of the Department, including contract facilities, shall be reported within two hours of the death to the county sheriff and the coroner, or their designee of the county in which the facility is located, and if the facility is located within the city limits of an incorporated city, the chief of police in that city, or their designated representative.

Additional Notifications
The death shall also be initially reported to the DA or designee of the county in which the facility is located, to the Director, Division of Adult Institutions, and to the Director, Division of Correctional Health Care Services, as soon as those personnel are on duty, but within 24 hours of the death.

Initial Report of Death
The initial report of the death may be transmitted by telephone, direct contact, or written notification, and shall outline all pertinent facts known at the time the report is made and all persons to contact, in addition to any other information the reporting person or officer deems pertinent.
- The Warden, RPA, or designee shall notify law enforcement personnel.
- The facility CME shall notify the coroner.

Written Report, Within Eight Hours of Death
Within eight hours of the death of an inmate in any facility of the Department, including contract facilities, a written report CDCR Form 7229-A or 7229-B shall be submitted by the Warden or RPA to those entities noted above. This written report shall include all circumstances and details of the death known at the time of report preparation, and shall include the names of all involved persons, and all persons with knowledge of the circumstances surrounding the death. A copy of the CDCR Form 7229-A or 7229-B shall be retained in the office of the CME and the investigative office until conclusion of any investigation; one copy shall be placed in the deceased inmate’s C-File. In community based correctional facilities, the RPA shall retain one copy of the report until conclusion of any investigation.

Attorney General Notification
The following reports and records shall be delivered to the Attorney General’s Office, Bureau of Criminal Statistics, Statistical Data Center:
• Complete incident report or report of death as applicable.
• Completed copy of death certificate.
• Fingerprint card (two sets).
• Coroner’s report (if applicable).

One copy of each of the preceding documents shall be forwarded to the Director of the Division of Juvenile Justice if the deceased is a youth prisoner of that agency.

51070.10 Notification of Contact Listed
Revised April 9, 2014

Receiving and Release (R&R) staff in Reception Centers shall ensure that primary and alternate emergency contact information is entered in the Strategic Offender Management System (SOMS) Electronic Records Management System (ERMS) application for each incoming inmate (new admissions and parole violators). The inmate is interviewed by R&R staff upon his/her arrival from the county and the information is entered into SOMS. The form is printed and signed by the inmate and then scanned into ERMS. If the inmate refuses either to list a next of kin or to sign the form, staff shall indicate the refusal, date and sign the form. Facility classification staff at all CDCR facilities shall ensure the Notification in Case of Inmate Death, Serious Injury, or Serious Illness is updated:

- Annually as part of the classification review process.
- Upon recommendation of transfer by a classification committee.
- Whenever an inmate advises his or her correctional counselor of a desire to change the information contained in the SOMS/ERMS application.

In the event of a death, serious injury, or serious illness, the Warden or designee at the level of Correctional Lieutenant or Correctional Counselor II or above shall use all reasonable means to contact the person(s) identified on the Notification form. The senior custodial officer shall review the inmate’s C-File and Emergency Contact information contained in SOMS/ERMS and notify the contact listed as soon as possible.

- Telephone notification of contact listed should be used whenever possible. Custody staff shall not attempt to provide medical information regarding the inmate’s health or cause of death, but shall refer the contact listed to the facility CME or physician designee or to the County Coroner’s office. The staff member making contact shall verify the mailing address of the contact listed.

- In all cases of death, a tactfully worded letter, over the name of the Warden, shall be sent to the contact listed. Written notification shall be done by return-receipt mail.

The following format may be used in the event of a death:

(Name of contact listed)

“I regret to inform you of the death of your (relationship), name, and date. Remains have been released to (name of contracting mortuary, address and phone number of mortuary). They are awaiting your instructions for the final disposition of your (relationship) without expense to the State. If not claimed within 48 hours, disposition must be made as provided by law. Please notify (contract mortuary) whether you will claim the body. You may contact the County Coroner’s Office at (Area Code) XXX-XXXX if you have questions regarding the cause of death of your (relationship). We extend our sympathy in your loss.”

If notification cannot be immediately made in the aforementioned manner, the Warden or designee at the level of Correctional Lieutenant or Correctional Counselor II or above shall use all reasonable means to make contact with family members including but not limited to:

- Assigning Investigative Services Unit (ISU) staff to utilize telephone signup sheets, Inmate Monitoring and Recording Systems, searching the inmate’s personal property (while preserving crime scene evidence), reviewing the inmate’s visiting file, contacting the previous Parole Agent (if any), contacting the local Coroner’s office, contacting the arresting agency, reviewing social media, and/or contacting the Office of Correctional Safety (OCS), etc., to locate contact information.

- Contact the appropriate consular office if the inmate is a foreign national.

- All efforts made to locate and notify the next of kin shall be documented on a CDCR 837-C. Crime/Incident Report Part C—Staff Report or General Chrono, CDC 128-B.

If notification with the contact listed cannot be made within 72 hours, the Warden shall notify their respective Associate Director (AD) that all reasonable means for obtaining contact information have been exhausted. The AD shall make contact with the OCS for any additional assistance in locating the next of kin.

51070.11 Removal of the Body
Revised September 6, 2013

The highest ranking custodial officer or their designee shall determine if the coroner has placed a hold on the body. If not, the custodial officer shall request the contract mortuary to pick up the body. The custodial officer shall obtain a body receipt form from the undertaker at the time the remains leave the facility. This form shall be completed in quintuplicate and distributed as follows:

- Original to the watch commander.
- One copy to control or the facility head.
- Two copies to the mortician (who leaves one copy at the gate).
- One copy to the CCRM.

51070.12 Responsibility of CCRM

The CCRM shall prepare a report supplying the information necessary to complete items 1A through 21D of the Certificate of Death, to the health services treatment facility (medical department).

51070.12.1 Notifications Pursuant to 11155(B) PC

The CCRM shall notify the persons or agencies who have requested such notification pursuant to PC 11155(b).

51070.12.2 Notification of Death of Foreign Nationals

Pursuant to Article 37 of the Vienna Convention, written notification within 72 hours of the official notice of death shall be made to the appropriate consulate post in the event of the death of a foreign, national inmate. The notification shall include the inmate’s name, CDC/identification number, date and time of death, and the attending physician’s name. Consulate offices are located in major cities throughout California; and addresses and telephone numbers can be found in the local telephone directory under the name of the country of origin.

51070.12.3 Detainers Disposition

Any detainers pertaining to the deceased shall be returned to the issuing agency with a notice of the inmate’s death.

51070.13 Responsibility of Correctional Counselor

Upon receiving instructions and information from their supervisor concerning the death of an inmate, the Correctional Counselor shall carefully examine all available records, mail, visiting records, and personal property and prepare a report to the Warden or their designee consisting of:

- A list of names, relationship, and addresses of relatives, friends, organizations, or individuals who might be interested in the final disposition of the deceased without cost to the State.

- Answers to the below listed questions.

- Is the decedent a member of a fraternal order or lodge having burial insurance or death benefits?
- Is the decedent entitled to veteran’s or social security benefits?
- Is the decedent receiving a pension?
- Does the decedent have insurance payable at death?
- Does the decedent have resources or income not held in trust at the institution?

If the deceased inmate was an undocumented alien, notify the local office of Immigration and Customs Enforcement and the appropriate consulate post as referenced in DOM 51070.12.2. Notify victim(s) if there is a written request by the victim(s) in the inmate’s C-File that the victim(s) be notified of any change of the inmate's status per PC 3058.6, 3058.8, and 3058.9.

51070.14 Responsibility of Chaplain

Upon notification of a death, the chaplain of the faith professed by the inmate shall perform such duties as required:

- Attend to any special religious requirements.
- Consultation with family members as required or requested.

51070.15 Responsibility of Property Officer for Deceased’s Property

The property officer shall:

- Receive, inventory, and store all personal property of the deceased.
- Prepare a complete inventory report, sign and submit five copies to the watch commander to be distributed as follows:
  - Warden/RPA.
  - Chief Deputy Warden.
  - Associate Warden, Business Services.
Upon the death of a parolee, the Parole Agent of record shall:

- Accounting officer.
- Correctional Captain.
- Secure all personal property as evidence if directed by watch commander or investigative unit.
- Make personal property available to employees authorized to examine it.
- All personal property of the deceased at the scene of the death may be released to the coroner upon request for the purpose of assisting their investigation.

Upon completion of all investigations and release of property as evidence, all personal property of the deceased will be released to the Associate Warden, Business Services, for disposition.

51070.16 Responsibility of Associate Warden Business Services

The Associate Warden, Business Services, has a variety of duties pertaining to the death of an inmate that include, but are not limited to:

- Assure that the institution has a valid service agreement with local mortuaries to provide for such services as embalming, cremation, caskets, transportation, burial, and other related services in connection with the disposition of the deceased inmate.
- Assure that a process has been established for disposition of personal property, funds, and any other resources held in trust for the deceased.
- Provide burial clothing and make special arrangement for the use of State materials or services when necessary.

Deceased’s Funds

When an institution holds U.S. Savings Bonds or other securities belonging to a deceased inmate and the institution is entitled to recover costs incurred in connection with the death of an inmate (PC 5061), bonds or securities not exceeding the actual expenses and charges should be liquidated through the office of the public administrator of the county. Excess monies over actual expenses shall be credited to the deceased inmate’s trust account.

51070.17 Unclaimed Dead Body

Revised April 9, 2014

After all reasonable efforts have been exhausted to locate a claimant for the deceased and there is no one to direct disposition, the remains shall be considered an unclaimed dead body. If the body is not claimed for burial, at least ten days after all reasonable efforts have been exhausted to contact the individual(s) listed on the Notification in Case of Inmate Death, Serious Injury, or Serious Illness, it shall be cremated or buried by a licensed mortuary/undertaker in accordance with a previously approved service contract. In the absence of any known relative, or if not claimed by relatives, the Warden may use his/her judgment in offering the body to friends of the deceased or interested private agencies for interment at private expense or with the deceased inmate’s own funds. The coroner or Department may dispose of the unclaimed body pursuant to applicable laws.

51070.18 Death Occurring Other than in an Institution

The death of an inmate may occur in places other than an institution. This may include, but is not limited to:
- Reentry facilities.
- While under Parole supervision.
- Camps.
- In-transit between CDCR facilities.
- Off reservation work crews.
- Community hospital.

51070.18.1 Parole

Upon the death of a parolee, the Parole Agent of record shall:

- Obtain a certified copy of the death certificate from the coroner or county clerk.
- Prepare a closing summary, CDCR Form 1502, Activity Report.
- Forward the closing summary and the death certificate to the regional records officer and the Division of Correctional Health Care Services.

In the event the death occurred in another state and the death certificate is not available, the Parole Agent shall obtain:

- A letter from a Parole Agent or law enforcement officer from the other jurisdiction verifying that the death certificate or autopsy report has been reviewed. This will serve as verification of death.

51070.18.2 Reentry Facility

In the event of the death of an inmate at a reentry facility the administrator will follow the guidelines set forth in DOM 83080.7.

51070.18.3 Camps and in Transit

If a death occurs in a camp, while fighting fires, or while in transit between institutions, the Department's officer in charge will take the following actions:

- Proper custodial support will be summoned as appropriate to the situation.
- The nearest available doctor will be called to pronounce death.
- The local coroner must be notified and their instructions followed.
- The Warden of the parent institution shall be notified by telephone or email and further instructions requested.
- Pending receipt of instructions, the body shall be turned over to a licensed mortuary/undertaker in the community where the death occurred.
- Notification of appropriate authorities as outlined in DOM 51070.9 shall be directed by the Warden or designee.
- A complete final report containing circumstances, investigations, arrangements, etc., will be submitted to the Warden of the parent institution without delay.

51070.19 Revisions

The Director, DAI, or designee shall ensure that the content of this Article is accurate and current.

51070.20 References

CCR, § 3357. PC §§ 3058.8, 5021, 5022 5061 and 11155(b). H&S §§ 7200, 10203, and 10250. GC §§ 12525 and 27491.

ARTICLE 8 — INMATE CIVIL RIGHTS

Revised September 14, 2010

51080.1 Policy

Inmates under the custody of the Department shall not be granted any rights or privileges that are not required by the United States Constitution or by the laws of California. A person sentenced to imprisonment in a state prison may, during that period of confinement, be deprived of such rights, and only such rights, as are reasonably related to legitimate penological interests.

51080.2 Purpose

The policy, procedural, and operational instructions of the Department and its institutions shall be promulgated to meet the requirements of Penal Code (PC) 2600 and 2601.

51080.3 Inmate’s Right to Refuse Treatment

Health care treatments, including medications and tests, shall not be forced over the objections of a mentally competent inmate, except when permitted by law to prevent infectious diseases or unless the procedures set forth in DOM 91090 (Involuntary Psychotropic Medications) are followed. When an inmate is unable to make an informed decision due to a medical emergency, all immediately necessary actions shall be taken. An emergency exists when there is a sudden marked change in the prisoner’s condition so that action is immediately necessary for the preservation of life or the prevention of serious bodily harm to the patient or others and it is impracticable to first obtain consent.

If medical care requiring informed consent is believed necessary and the inmate cannot make health care decisions in non-emergency situations, the determination on care and treatment will be based on the inmate’s health care directive; a surrogate decision maker, including the patient’s conservator, guardian, or responsible relative; or through the procedures set forth in Probate Code 3200 et seq. (Authorization of Medical Treatment for an Adult Without a Conservator).

51080.4 Right to Vote

The California Constitution, Article II, Section 4, prohibits imprisoned or paroled individuals, convicted of a felony, from voting. The inmate or parolee must have completed his or her term of imprisonment or parole and be discharged from prison and parole before the right to vote is restored.

51080.5 Inmate Civil Rights

PC 2601 specifies that inmates shall have the following civil rights:
Inmate Real or Personal Property
- To inherit, own, sell, or convey real or personal property, including all written and artistic material produced or created by such person during the period of imprisonment. However, to the extent authorized in PC §2600, CDCR may restrict or prohibit sales or conveyances that are made for business purposes.

Confidential Correspondence
- To correspond, confidentially, with any member of the State Bar of California or holder of public office, provided that the prison authorities may open and inspect incoming mail, in the presence of the addressee, to search for contraband. Confidential correspondence shall be processed in accordance with CCR §3141 through §3145.

Inmate Mail
- To purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the USPS. Disapproved mail shall be handled in accordance with CCR §3136. Pursuant to this section, prison authorities may exclude any of the following matter:
  - Obscene publications or writings, and mail containing information concerning where, how, and from whom this matter may be obtained.
  - Any manner of contraband as described in CCR §3006.
  - Any matter concerning gambling or a lottery.
Nothing in this section shall be construed as limiting the right of prison authorities to open and inspect any and all packages received by an inmate.

Inmates may possess a reasonable number of publications, including books, magazines, and newspapers, as directed by the Authorized Personal Property Schedule in DOM 54030.17. Publications addressed to inmates shall be processed in accordance with CCR §3134.1.

Other Rights
- To initiate civil actions, subject to a $3 filing fee to be collected by CDCR in accordance with the procedures set forth in DOM 14010.19.1.
- To marry, subject to the procedures provided under DOM 101070.
- To create a power of appointment.
- To make a will.
- To receive all benefits provided for in Labor Code §§3370 and 3371 (Worker’s Compensation Benefits for Inmates) and in PC §5069 (Rehabilitative Programs for Injured Inmates).

51080.6 Restoration of Civil Rights
Application for restoration of the above-stated civil rights is not required. However, full civil rights may also be restored upon application and grant of a pardon by the Governor, pursuant to PC §4800 et seq. Prison authorities may prohibit displays or representations of the flag on a CDC facility that would belittle the mission or detract from good order, discipline, or morale of CDC staff and visitors.

51080.7 Revisions
The General Counsel, Office of Legal Affairs, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

51080.8 References
Penal Code §§ 2600, 2601, 4800 et seq., 4853, and 5069.
Probate Code §§ 3200 et seq.
Labor Code §§ 3370 and 3371.
California Constitution, Article I, § 28(a)(5).
California Constitution, Article II, § 4.
CCR (15) (3) §§ 3006, 3134.1, 3136, 3141 - 3145, and 3351.
DOM §§ 14010.19.1, 54030.17, 90109, 101070.

ARTICLE 9 — DISPLAY OF THE UNITED STATES AND STATE FLAGS
Effective October 25, 1999

51090.1 Policy
It is the policy of the Department to display the U.S. flag and the flag of the State of California at all CDCR public buildings, including institutions, camps, and other CDCR facilities under the jurisdiction of the State.

51090.2 Purpose
The purpose of this Section is to establish standard procedures throughout CDCR for displaying the U.S. and State flags and provide procedures and criteria for the raising and lowering of the flag.

51090.3 Definitions

All-Weather Flag
A specially treated flag capable of being flown in all kinds of weather or conditions with little or no worry of the flag being torn, damaged, or soiled.

Base Flag
The largest official flag. The Base flag is only flown in fair weather from sunrise to sunset. However, on special patriotic occasions, the Base flag may be displayed all night if proper lighting is available.

Custom
An act or ceremony, stemming from tradition, which is enforceable as an unwritten law.

Flagstaff
A pole on which a flag is raised.

Half-Staff
The position of the flag when it is one-half the distance between the top and bottom of the staff. A flag is flown half-staff as a symbol of mourning for the dead or as a signal of distress.

Memorial Day
A U.S. Holiday officially celebrated on the last Monday in May in honor of members of the U.S. Armed Forces killed in war.

National Flag
The U.S. flag.

Prisoner of War (POW)/Missing in Action (MIA) Flag
The National League of Families Prisoner of War (POW)/Missing in Action (MIA) flag is a black and white banner, which symbolizes those members of the U.S. Armed Forces listed as POW or MIA. The flag is officially recognized by Congress.

State Flag
The flag of the State of California.

Sunrise
The event or time of the daily first appearance of the sun above the eastern horizon.

Sunset
The event or time of the daily disappearance of the sun below the western horizon.

51090.4 Flag Protocol
Employees and visitors to a CDC institution, facility, camp, or State building displaying the U.S. Flag shall not show any disrespect to the flag. Failure to do so shall render the visitor subject to exclusion from the facility. Wardens and RPAs may prohibit displays or representations of the flag on a CDC facility that would belittle the mission or detract from good order, discipline, or morale of CDC staff and visitors.

51090.5 Criteria
The U.S. flag that is flown on State Buildings should be either:

- A Base flag.
- An All-Purpose flag. (Sometimes referred to as the All-Weather flag.)

The U.S. Base flag (measuring approximately 17 feet long by 8 feet wide) is displayed in fair weather from sunrise to sunset. However, on special patriotic occasions, the flag may be displayed all night if proper lighting is available. The U.S. All-Purpose flag (measuring approximately 9 feet six inches long by 5 feet wide) replaces the Base flag during inclement weather. It is made of lightweight nylon bunting material.

51090.6 Responsibilities
Each Warden and RPA shall be responsible for developing a procedure for the raising and lowering of the flag at their facility/region. Each Warden and RPA shall provide for the acquisition of the flags and their installation, display, and maintenance, except for the acquisition of the POW/MIA flag, which shall be provided by CDC Headquarters.

51090.7 Honor or Tributes
The U.S. Flag shall not be:

- Dipped to any person or thing. (State flags are dipped as a mark of honor.)
- Displayed with the union down except as a signal of dire distress in instances of extreme danger to life or property.
Memorial Day, the last Monday in May; Flag Day, June 14; the following holidays: Armed Forces Day, the third Saturday in May; to also fly the POW/MIA flag, to the extent it is structurally feasible on the flag if the flag is not an All-Weather Flag. The possibility of damage by rain or wind shall be the criteria for lowering the flag during inclement weather.

51090.10 Displaying the U.S. and State Flags Together

Where the U.S. and State Flags are used, they shall be of the same size. If only one flagstaff is used, the U.S. flag shall be above the State flag and the State flag shall be hung in such a manner as not to interfere with any part of the U.S. Flag. At all times, the U.S. flag, when displayed outdoors with other flags, shall be placed in the position of first honor which is normally the extreme left position as the flags are most frequently viewed.

51090.11 Displaying the POW/MIA Flag on Specified Holidays

The Governor of the State of California annually proclaims the third Friday of September to be known as POW/MIA Recognition Day. The Legislature requests all State agencies that fly the U.S. and State flags to also fly the POW/MIA flag, to the extent it is structurally feasible on the following holidays: Armed Forces Day, the third Saturday in May; Memorial Day, the last Monday in May; Flag Day, June 14; Independence Day, July 4; National POW/MIA Recognition Day, the third Friday in September; and Veterans Day, November 11. If June 14, July 4, or November 11 fall upon a Saturday, the flag shall be flown on the following Monday. If any of the aforementioned dates fall on a Sunday, the flag shall be flown on the following Monday.

51090.12 Displaying the U.S. Flag at Half-Staff

The President of the U.S. is the only person authorized to order flying the U.S. flag at half-staff. When flown at half-staff, the U.S. flag shall be first hoisted to the peak of the staff for an instant then lowered to half-staff position. At the end of the day, sunset, the flag shall be raised to the peak of the staff for an instant, before it is lowered for the day. The flag should be hoisted briskly and lowered ceremoniously.

51090.13 Authority Authorizing the U.S. Flag to be Flown at Half-Staff

When flown at half-staff, the U.S. flag shall be first hoisted to the peak of the staff for an instant then lowered to half-staff position. The flag shall be flown especially on:

- National holidays.
- Memorial Day.
- State Holidays.
- Any other days proclaimed by the President of the U.S.

51090.14 Procedures for Displaying the U.S. Flag at Half-Staff

When flown at half-staff, the U.S. flag shall be hoisted to the peak of the staff and lowered ceremoniously.

51090.15 Displaying the State Flag at Half-Staff

The State flag is only flown at half-staff on the day of the funeral. For non-peace officer employees killed in the line of duty, flags at the facilities and headquarters shall be flown at half-staff from the time of notification until after the funeral. For employees and retired employees whose deaths are not in the line of duty, the Warden or RPA shall determine if it is appropriate to have the facility/region flag flown at half-staff on the day of the funeral.

51090.16 Authority Authorizing the State Flag to be Flown at Half-Staff

The Governor of the State of California is the only person authorized to order flying the State flag at half-staff.

51090.17 Procedures for Displaying the State Flag at Half-Staff

When flown at half-staff, the State flag shall be hoisted to the peak of the staff for an instant then lowered to half-staff position. At the end of the day, sunset, the flag shall be raised to the peak of the staff for an instant, before it is lowered for the day. The flag should be hoisted briskly and lowered ceremoniously.

51090.18 Procedures for Displaying the U.S. and State Flag at Half-Staff on the Same Flagstaff

When flown at half-staff, the U.S. flag shall be first hoisted to the peak of the staff for an instant then lowered to half-staff position. The State flag shall then be hoisted to a position directly below the U.S. flag yet far enough away so as not to interfere with the U.S. flag. At the end of the day, sunset, the State flag shall be lowered first. The State flag should not be raised to the peak of the staff before it is lowered for the day. The State flag should be cased (folded) and secured before lowering the U.S. flag. Once the State flag is secured, the U.S. flag should be first hoisted to the peak of the staff for an instant, before it is lowered for the day. The flag should be hoisted briskly and lowered ceremoniously.

51090.19 Procedures for Displaying the U.S. and State Flag at Half-Staff on Separate Flagstaffs

When flown at half-staff, the U.S. and State flags shall be first hoisted to the peak of the staff for an instant, then lowered to half-staff position. This shall be done simultaneously, manpower permitting. When manpower does not permit the raising of the U.S. and State flags together, departmental procedure dictates that the U.S. flag is raised first, followed by the State flag.

51090.8 Displaying the Flag

4 USC 6(a), permits the display of the flag for 24 hours a day to produce a patriotic effect if properly illuminated during the hours of darkness. The CDC will follow the custom of flying the flag from sunrise to sunset where personnel reside or are on duty at the time necessary to raise and lower the flag. The flag may be displayed 24 hours a day if properly illuminated during the hours of darkness, thus permitting night display of the flag on special occasions when it is desired to produce a patriotic effect. Otherwise, the flying of the flag shall be from sunrise to sunset on buildings and on stationary flagstaffs in the open. The flag should be displayed daily, weather permitting, on or near the main administration building of every public institution, except when an All-Weather Flag is displayed. The flag shall be flown especially on:

- National holidays.
- Memorial Day.
- State Holidays.
- Any other days proclaimed by the President of the U.S.

Staff on Separate Flagstaffs

- The flag shall be flown on the following Monday.
- If any of the aforementioned dates fall on a Sunday, the flag shall be flown on the following Monday.
- The POW/MIA flag shall be flown on the following Monday.
- The right of the U.S. flag and the State flag.

51090.12 Displaying the U.S. Flag at Half-Staff

The U.S. flag is only flown at half-staff for the following reasons:

- As a symbol of honor or respect over the passing away of someone.
- As a distress signal.

51090.13 Authority Authorizing the U.S. Flag to be Flown at Half-Staff

51090.14 Procedures for Displaying the U.S. Flag at Half-Staff

When flown at half-staff, the U.S. flag shall be first hoisted to the peak of the staff for an instant then lowered to half-staff position. At the end of the day, sunset, the flag shall be raised to the peak of the staff for an instant, before it is lowered for the day. The flag should be hoisted briskly and lowered ceremoniously.

51090.15 Displaying the State Flag at Half-Staff

The State flag is only flown at half-staff for the following reasons:

- As a symbol of honor or respect over the passing away of someone.
- As a distress signal.

51090.16 Authority Authorizing the State Flag to be Flown at Half-Staff

51090.17 Procedures for Displaying the State Flag at Half-Staff

When flown at half-staff, the State flag shall be first hoisted to the peak of the staff for an instant then lowered to half-staff position. At the end of the day, sunset, the flag shall be raised to the peak of the staff for an instant, before it is lowered for the day. The flag should be hoisted briskly and lowered ceremoniously.

51090.18 Procedures for Displaying the U.S. and State Flag at Half-Staff on the Same Flagstaff

When flown at half-staff, the U.S. flag shall be first hoisted to the peak of the staff for an instant then lowered to half-staff position. The State flag shall then be hoisted to a position directly below the U.S. flag yet far enough away so as not to interfere with the U.S. flag. At the end of the day, sunset, the State flag shall be lowered first. The State flag should not be raised to the peak of the staff before it is lowered for the day. The State flag should be cased (folded) and secured before lowering the U.S. flag. Once the State flag is secured, the U.S. flag should be first hoisted to the peak of the staff for an instant, before it is lowered for the day. The flag should be hoisted briskly and lowered ceremoniously.

51090.19 Procedures for Displaying the U.S. and State Flag at Half-Staff on Separate Flagstaffs

When flown at half-staff, the U.S. and State flags shall be first hoisted to the peak of the staff for an instant, then lowered to half-staff position. This shall be done simultaneously, manpower permitting. When manpower does not permit the raising of the U.S. and State flags together, departmental procedure dictates that the U.S. flag is raised first, followed by the State flag.
At the end of the day, sunset, the State flag shall be lowered first. The State flag shall be first hoisted to the peak of the staff for an instant before it is lowered for the day. The State flag should be cased (folded) and secured before lowering the U.S. flag. Once the State flag is secured, the U.S. flag shall be first hoisted to the peak of the staff for an instant, before it is lowered for the day. The flags should be hoisted briskly and lowered ceremoniously.

51090.20 Storing the Flag When Not Being Displayed
The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

51090.21 Desecration of Flags
Pursuant to M&V 614, a person is guilty of a misdemeanor who:
In any manner for exhibition or display, places, or causes to appear any work, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag of the U.S. or of this State.
Exposes to public view any such flag upon which is printed, painted, or placed or to which is attached, appended, affixed, or annexed any work, figure, mark picture, design, drawing, or any advertisement of any nature.
Knowinglly casts contempt upon any flag of the U.S. or of this State by publicly mutilating, defacing, defiling, burning, or trampling upon it.

51090.22 Wearing the Flag as a Costume or Athletic Uniform
No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policeman, and members of patriotic organizations.

51090.23 Disposing of the Flag
When the flag is in such condition that it is no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning.

51090.24 Exemption From Raising and Lowering the Flag
For those CDC units/offices which are located within a building e.g., State office building, where someone else is responsible for raising and lowering the flag, the CDC units/offices are exempt from these procedures unless one of them has been designated to raise and lower the flag.

51090.25 Revisions
The Director, DAI, and the Director, DAPO, or their designees are responsible for ensuring that the contents of this article are kept current and accurate.

51090.26 References
Governor's Executive Order R29-71.
4 USC 6, 7, 8, 9, and 10.
36 USC 902.
M&VC § 614 and 1831.
Flag Before Folding

Step 1
Fold lengthwise. Bring the striped half up over the blue field.

Step 2
Fold lengthwise in half again, bringing the bottom edge up to meet the top edge. This will place the upper part of the blue field (union) on top.

Step 3
Fold lower right-hand corner to upper edge to form a triangle.

Step 4
Fold the triangle toward the blue field. The outer point is turned inward on the upper edge of the Flag to form the second triangle.

Step 5
Continue to fold the Flag in triangles until the entire length of the Flag is folded.

Note:
If you have followed the above steps correctly, only the blue field should be visible. No red shows. The Flag will be in the triangular shape of a cocked hat symbolizing the hats worn by the soldiers of the Revolutionary War.
<table>
<thead>
<tr>
<th>CONDITION</th>
<th>WAY TO DISPLAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM STATIONARY FLAGSTAFF</td>
<td><img src="image1" alt="Image" /></td>
</tr>
<tr>
<td>FROM A STAFF PROJECTING FROM A BUILDING</td>
<td><img src="image2" alt="Image" /></td>
</tr>
<tr>
<td>HANGING ACROSS A STREET</td>
<td><img src="image3" alt="Image" /></td>
</tr>
<tr>
<td>IN THE AUDITORIUM</td>
<td><img src="image4" alt="Image" /></td>
</tr>
<tr>
<td>HORIZONTALLY OR VERTICALLY ON A WALL OR WINDOW</td>
<td><img src="image5" alt="Image" /></td>
</tr>
<tr>
<td>CONDITION</td>
<td>WAY TO DISPLAY</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>POSITION OF SPEAKER’S PLATFORM</td>
<td><img src="image" alt="Position of Speaker’s Platform" /></td>
</tr>
<tr>
<td>CROSSSED STAFFS</td>
<td><img src="image" alt="Crossed Staffs" /></td>
</tr>
<tr>
<td>DISPLAY WITH FLAGS OF OTHER NATIONS</td>
<td><img src="image" alt="Display with Flags of Other Nations" /></td>
</tr>
<tr>
<td>AMERICAN FLAG IN A GROUP OF FLAGS (NOT OTHER NATIONS)</td>
<td><img src="image" alt="American Flag in Group of Flags" /></td>
</tr>
<tr>
<td>CARRYING FLAGS AT CEREMONIES</td>
<td><img src="image" alt="Carrying Flags at Ceremonies" /></td>
</tr>
<tr>
<td>DRAPECLED OVER A CASKET</td>
<td><img src="image" alt="Draped Over a Casket" /></td>
</tr>
</tbody>
</table>
ARTICLE 10 — UNASSIGNED

ARTICLE 11 — ADMINISTRATIVE OFFICER-OF-THE-DAY

Revised September 22, 2014

51110.1 Policy
The Warden shall be responsible for the implementation of the Administrative Officer-of-the-Day (AOD) procedure. An AOD shall be assigned at institutions during non-business hours. The AOD shall maintain the authority and responsibility for making administrative decisions and disseminating information regarding serious incidents in the absence of the Warden.

51110.2 Purpose
To standardize the AODs functions, authority, duties, and responsibilities where appropriate.

51110.3 Responsibility
The AOD shall be an administrative staff member, possessing supervisory experience and authority to make decisions in the absence of the Warden. The AOD shall be responsible for ensuring administrative requirements are met and appropriate notifications are made relative to operational issues during other than normal duty hours.

Those staff designated as AOD shall not hold a classification level less than Correctional Counselor III.

The below listed classifications will be assigned the functions of the Institutional AOD:
- Correctional Administrator.
- Prison Industries Authority Administrator.
- Captain, Adult Institutions.
- Correctional Counselor III.
- Correctional Business Manager I & II.
- Correctional Plant Manager I & II.

51110.4 Administrative-Officer-of-the-Day Duty Schedule
Wardens are normally exempt from AOD duty; however, they may serve as AOD if needed. Wardens shall publish the AOD assignment schedule in advance, every six (6) months. The AOD schedule shall specify the name and period of time that each AOD shall be assigned the duties.

The Chief Deputy Warden shall not be required to be assigned to the AOD rotation schedule, but may elect to participate in the AOD rotation schedule. Any anticipated change in the AOD assignment schedule shall be approved in advance by the Warden or their designee.

AOD personnel may be permitted to “trade” assignments. The “trade” arrangement between AODs shall be submitted in memorandum form to the Warden not less than 24 hours prior to assigned tour of duty.

The AOD period of duty shall commence at 5:00 PM Friday and shall conclude at 5:00 PM the following Friday. Should a holiday fall on a Thursday and/or Friday, the AOD duties shall commence at 5:00 PM on the last business day preceding the holiday period.

51110.5 Training
Wardens shall assure all new AODs are provided with the proper training and job orientation, including, but not limited to, the following:
- AODs are not required to be peace officers. However, they shall be required to attend Penal Code (PC) 832 training as an orientation in the responsibilities and expectations of institutional peace officer staff. The PC 832 training shall in no way be intended to train non-peace officer AODs to perform peace officer duties.
- Prior to participation in the PC 832 firearms range training, the current employer shall determine that the non-peace officer AOD is not disqualified from possessing or use of a firearm pursuant to PC 12021 and 12021.1. This shall be accomplished through the submission of fingerprints to the Background Investigation Unit for criminal record checks with the State Department of Justice and the Federal Bureau of Investigations.

In addition to the above training the AOD should be knowledgeable of the following procedures relative to their duties as the AOD:
- Institution procedures.
- Disturbance Control Plan.
- Crime/Incident Reports (institutions).

- Firearms.
- Chemical agents.
- Escape pursuit plan.
- Employee relations/grievances/discipline.
- Information Practice Act.
- Transfer of inmates.
- Any other procedures unique to their institution.

51110.6 Instructional Packet
Each designated AOD shall familiarize themselves with the duties and responsibilities unique and particular to their own institution instruction packet.

Twice annually, Wardens shall meet with all staff designated as AODs to discuss and explain expectations and duty requirements.

An AOD instructional packet shall be developed for each institution. The packet shall include specific examples of:
- Situations and how they are handled.
- Departmental/institutional changes.
- Current inmate functions.
- Activities involving guests and outside agencies.

The packet shall provide a list of home telephone numbers, and other necessary telephone numbers of the following:
- Administrative staff.
- Appropriate outside agencies.
- Medical facilities.
- Police/sheriff departments.
- Institutional AODs.
- Departmental AODs.

51110.7 AOD Equipment
The AOD shall be provided with a cellular telephone for the duration of their assignment, and a State vehicle shall be made available upon the request by the institutional AOD. In circumstances when cellular telephone services are not available, the institutional AOD shall be provided an electronic paging device during their AOD assignment.

51110.8 AOD Duties/Responsibility
The institutional AOD shall become familiar with any special circumstances or existing situations occurring at the institution prior to assuming the AOD duties. Staff serving as the institutional AOD shall have a face to face briefing either between the off-going and on-coming AOD or the on-coming AOD and the Warden/Chief Deputy Warden, this shall occur to exchange pertinent information and equipment.

Staff serving as the institutional AOD will not be required to visit the institution on the weekends and holidays unless special events, operational needs, or emergencies require the AOD to respond. The institutional AODs will remain on-call during these periods.

The requirement to visit the institution for special events/operational needs is at the discretion of the Warden or other appropriate command authority. Such events might include, but are not limited to:
- Periodic review of visiting.
- Institution construction activity.
- Activation of the Emergency Operations Plan or other institutional emergencies.
- Controlled uses of force such as a cell extraction.
- Release or intake of a high notoriety case inmate.
- Visitation of outside groups to the institution, etc.

The institutional AOD shall attend the weekly executive staff meeting and present a summary of the events that occurred during their tour of duty.

In all circumstances or incidents of a serious nature where the institutional AOD is contacted regarding an institution incident, he/she shall communicate the incident, action taken, and current status of the situation to the Warden.

On the first working day following the incident the institutional AOD shall gather all CDCR 837, Crime/Incident Reports, or notice of unusual occurrences that are completed by the watch commander. As required by local procedures, a written report shall be prepared for the Warden.
5110.9 Administrative Officer-of-the-Day/Watch Commander Relationship

The AOD shall not be involved with the daily supervision of institution operations during normal business hours. This shall be the responsibility of the watch commander.

During other than normal business hours, on weekends and holidays, the institutional AOD shall be contacted by the watch commander when any unusual incident/situation occurs. The institutional AOD shall determine from the information provided by the watch commander the amount of staff/resources the watch commander may need to establish and maintain control of the situation. The institution AOD shall serve to coordinate a resolution of the situation with the watch commander.

Should a difference of opinion exist in the course of action to be taken, then the institutional AODs decision shall prevail. The watch commander shall report their dissenting opinion in writing to the Warden on the next working day.

The relationship of the watch commander and the institutional AOD shall be one of a supportive team effort, resulting in the best judgment of all combined to effectively handle any incident/situation.

5110.10 Administrative Officer-of-the-Day Contact

The watch commander shall contact the institutional AOD on questions of policy, visits of politicians, media request, court orders requesting release of inmates, and all matters of unusual occurrences. Accurate information, details, and recommendations shall be provided by the watch commander to enable the AOD to make sound decisions and complete necessary reports.

Administrative Officer-of-the-Day Contacts: Serious Injury or Death

The institutional AOD shall be contacted in all incidents involving, but not limited to:

- Death.
- Serious injury of staff or inmates.
- Escapes.
- Controlled Use of Force incidents.
- Serious disturbances.
- Felony assaults.
- Loss of keys to security areas.
- Staff/visitor arrests.
- Other items outlined in each institution instructional packet.

When the watch commander is unable to contact the institutional AOD, notification of an incident shall be communicated to the Warden or their designee.

It is the responsibility of each AOD to keep the watch commander informed of their whereabouts during their tour of duty.

5110.11 Written Reports

Incidents justifying an AOD contact shall be documented in writing by the watch commander on an AOD contact report or an unusual occurrence report. The watch commander shall obtain available information and prepare a factual report concerning the incident. All written reports by the watch commander shall be completed prior to the conclusion of their watch/tour of duty.

Incidents/events occurring during non-business hours and deemed serious in nature, which are of public or departmental interest, shall be reported to the Division AOD by the institutional AOD. Following a Division AOD contact, the AOD shall prepare a written report concerning the contact to the Warden, prior to the start of the business hours of the next working day.

5110.12 CDCR Form 837 Crime/Incident Reports

The CDCR Form 837, Crime/Incident Report, is the institutions initial written report to central office that an incident of departmental interest has occurred. It is essential that all information available at the time of the incident be entered into this report and should be completed in accordance with the DOM, Section 51030.

5110.13 Revisions

The Director, Division of Adult Institutions, or their designee shall be responsible for ensuring the contents of this Article are current and accurate.

5110.14 References

CCR §§ 3276, 3291, 3335-3337, 3357, 3380-3384, 3450-3452.
DOM, Sections 51030, 81030, 81040, 81050.
PC §§ 830, 832.2 (f), 830.5 (a) and (b).
ACA Standards 4-4206, 4-4208, 4-4210.

ARTICLE 12 — INMATE PAY

Revised June 12, 2006

51120.1 Policy

Inmates engaged in productive work may receive compensation as determined by the Secretary of the Department of Corrections and Rehabilitation (CDCR) with the approval of the Director, Department of Finance, as specified in Penal Code (PC) Section 2700.

The statutory limitation on inmate pay, pursuant to PC 2700, shall be no higher than one-half the minimum wage stipulated in Section 1182 of the Labor Code (LC). Under such authority, "pay schedules" shall be set by institutions/facilities.

51120.2 Purpose

This procedure establishes guidelines for uniform interpretation, application, and administration of inmate pay plans.

51120.3 Source of Inmate Pay

Inmates assigned to approved pay positions under an inmate pay plan will be paid from the fund or allotment of the institution’s/facility’s support budget or inmate welfare funds.

51120.4 CDCR Inmate Pay Committee

The CDCR inmate pay committee shall be comprised of no fewer than the following persons:

- One Prison Industry Manager.
- Director, Division of Adult Institutions, or designee.
- Director, Division of Support Services, or designee.
- One Associate Warden, Business Services.
- One representative of Classification Services Unit.
- Director, Division of Adult Parole Operations (DAPO), or designee.
- One representative of the Trust Office.

The Secretary shall designate one of these members to chair the committee. The committee membership shall be reviewed annually, and changes will be made on a staggered basis.

This committee shall:

- Keep the Secretary advised regarding the inmate pay program.
- Report to the Secretary, at least annually, on the need for policy changes affecting the program.
- Have responsibility and authority to monitor and evaluate the inmate pay programs of the individual institutions/facilities.
- Develop and implement the allocation of pay positions to the best advantage of CDCR and the inmate population.

Institutions/facilities shall furnish any reports and information requested by the CDCR inmate pay committee to assist the committee in program assessment.

51120.5 Institution/Facility Inmate Pay Committee

Wardens and the Director, DAPO, shall:

- Establish an inmate pay committee to administer the inmate pay plan within their allotted budget.
- Designate the inmate pay committee chairperson.

The institution/facility inmate pay committee shall be comprised of the following staff members:

- Designated Associate Wardens.
- Business Manager.
- Inmate Assignment Lieutenant (where applicable).
- Supervisor of Correctional Education Programs (where applicable).
- Budget Analyst.
- Representative of the Trust Office.

The inmate pay committee shall:

- Establish and review the inmate pay plan.
- Ensure that inmate pay assignments are properly classified.
- Review the appropriateness of all recommendations for inmate pay increases or reductions.
- Keep the Warden informed as to the operation of the inmate pay plan.

51120.5.1 Hiring Criteria

Supervisors, via the classification committee (at institutions), shall fill vacant job/training assignments based on the following factors:
• Skill. Demonstrating expertise of technical skills and knowledge.
• Behavior. Relationship with Others. Demonstrates ability to deal with authority figures, job supervisors, and other inmates.
• Attitude. Adaptability. Demonstrating willingness to learn, take directions, and orders.
• Work Habits. Punctuality, dependability, care of equipment, and safety practices.
• Formal Education/Training. Preparation for work and the ability to read, write, and speak effectively.

Assignments shall be ethnically balanced based on the eligible inmate population within the institution/facility when the mission(s) and/or physical plant design of the institution/facility permits. Institutions/facilities shall establish an application/resume process for selection of skilled workers.

51120.6 Pay Schedule

The following are approved pay rates, which shall be used for inmate pay assignments (the following listing may not be representative of all current DOT job titles):

- **Leadpersons (DOT) Skill Level 9), under direction of the staff supervisor:**
  - Provide much of the OJT of newly assigned inmates.
  - Assist in communicating to inmates at lower skill levels.
  - There shall be only one lead position per area, per classification, per shift.

Appointment to the assignment of leadperson requires the approval of the supervisor and the Inmate Pay Committee. Leadpersons shall not function as assistant foreman/supervisor or be assigned control over another inmate.

- **Special Skills (DOT Skill Level 7-8):**
  - Automobile Mechanic 620.261-010.
  - Carpenter 860.281-010.
  - Dental Technician 079.361-018.
  - Electrician 842.261-011.
  - Maintenance Mechanic 818.638.281-014.
  - Painter 840.381-010.
  - Pipe Fitter 862.281-022.
  - Plumber 862.381-030.
  - Printer 973.381-018.
  - Tailor Asteration 785.261-010.
  - Welder 810.382-010.
  - X-ray Technician 199.361-010.

- **Technician (DOT Skill Level 5-6):**
  - Baker 313.381-010.
  - Barber 330.371-010.
  - Boiler Operator Helper 950.382-014.
  - Butcher 525.381-010.
  - Cook 315.361-010.
  - Heavy Equipment Operator 859.683-010.
  - Inmate Advisory Council Chair.
  - Lead Clerk 219.562-010.
  - Library Assistant 249.367-046.
  - Library Technical Assistant 100.367-018.
  - Sewer Plant Attendant 955.585-010.

- **Semi-skills (DOT Skill Level 3-4):**
  - Apprentices enrolled in a bona fide apprenticeship program.
  - Automobile Mechanic Helper 620.684-014.
  - Baker Helper 313.684-010.
  - Carpenter Helper 869.664-014.
  - Clerc 209.562-010.
  - Dog Groomer 418.674-010.
  - Electrician Helper 829.684-026.
  - Finger Cobbler 788.684-046.
  - Garbage Collector 955.684-046.
  - Groundskeeper 406.684-014.
  - Inmate Advisory Council Secretary.
  - Janitor Head 381.137-010.
  - Laborer, Boot, and Shoe 788.684-026.
  - Maintenance Mechanic Helper 899.684-022.
  - Order Filler Warehouse 222.487-014.
  - Porter Helper 381.137-010.
  - Sales Clerk (Handicraft) 299.477-014.
  - Service Station attendant 915.467-010.

---

Support and Inmate Welfare Funds (IWFs)

<table>
<thead>
<tr>
<th>Skill Levels and Pay Rates*</th>
<th>Minimum Hourly</th>
<th>Maximum Monthly</th>
</tr>
</thead>
</table>

**Level 1 DOT 9**

- **Lead person**
  - $0.32 - $0.37
  - $48 - $56

**Level 2 DOT 7-8**

- **Special Skill**
  - $0.19 - $0.32
  - $29 - $48

**Level 3 DOT 5-6**

- **Technician**
  - $0.15 - $0.24
  - $23 - $36

**Level 4 DOT 3-4**

- **Semi-Skill**
  - $0.11 - $0.18
  - $17 - $27

**Level 5 DOT 1-2**

- **Laborer**
  - $0.08 - $0.13
  - $12 - $20

*Except as designated below.

Monthly rates shall apply to full time employment in job classifications paid from the support budget or Inmate Welfare Funds.

In extraordinary circumstances, the Inmate Pay Committee may designate a wage comparable to the California Prison Industry Authority (CalPIA) inmate pay program for such inmate pay assignments as, but not limited to:

- Plant Operations (nonclerical assignments only).
- Food service cooks.
- Special projects or assignments that require a high degree of skill or expertise.

Requests to pay inmates at the higher rate shall be directed to the Director, Division of Adult Institutions, or the Director, DAPO, for approval.

Refer to Department Operations Manual (DOM) 51130 for information regarding inmate pay in conservation camps.

Refer to DOM 51121 for information regarding inmate pay in CalPIA. Refer to Title 15, Sections 3484 and 3485, and DOM 53140.9 for information regarding inmate pay in the Joint Venture program.

---

Page 355
• Taxi Driver 913.463-018.
• Teacher Aid 249.367-074.
• Laborer (DOT Skill Level 1-2):
  • Attendant (Dry Cleaners) 369.677-010.
  • Barber Apprentice 330.371.014.
  • Car Wash Attendant 916.677-010.
  • Construction Worker 869.687-026.
  • Cook Helper 317.687-010.
  • Dish Machine Operator 617.260-010.
  • Gardener 406.684-014.
  • Janitor (Infirmary/Hospital only) 381.687-018.
  • Janitor Kitchen 381.687-018.
  • Janitor General 381.687-014.
  • Kitchen Helper 318.687-010.
  • Laborer, Landscape 408.687-014.
  • Laborer, Laundry 361.687-018.
  • Laborer, Orchard 403.687-010.
  • Laborer, Salvage 929.687-022.
  • Laborer, Stores 922.687-058.
  • Laborer, Gardener 408.161-010.
  • Porter (Infirmary/Hospital only) 381.687-014.
  • Porter Kitchen 318.687-010.
  • Porter General 381.687-014.
  • Server 311.477-026.
  • Shoe Shiner 366.677-010.
  • Welders Helper 869.687-026.

The institution head may establish other assignments as needed that may not be delineated above.

Nonpay Assignments
The Inmate Pay Committee shall designate the following inmate assignments as nonpay assignments:
• Inmate Advisory Council Members.
• Vocational Student Assignments (unless the inmate is enrolled in a bonafide apprenticeship program).
• Academic Student Assignments.
• As deemed by the inmate pay committee.
• Substance Abuse or Therapeutic Assignments.

51120.8 Inmate Pay Increases/Reductions
Inmate pay increases shall not be automatic or based on the inmate’s longevity in an assignment. Inmate pay increases or reductions shall be based on the work/training supervisor’s recommendation and the inmate’s work/training performance reports, subject to review and approval of the inmate assignment authority.

Inmates may only receive a pay increase on a quarterly basis until their maximum pay rate for that assignment is obtained. When the inmate is given a new assignment that requires a higher skill level than that of the inmate’s previous assignment, the inmate shall not initially be paid less than the amount the inmate received for the previous assignment unless the new assignment is designated as a nonpay assignment.

51120.9 Movement between Pay Positions Assignments
Changes from one pay rate to a higher pay rate shall be based upon the:
• Recommendation of the supervisor and the approval of the Inmate Pay Committee and the Inmate Assignment Lieutenant.
• Work history as reflected in performance reports.
Inmates approved for advancement to a higher skill classification shall enter the new classification pay grade equal to or greater than their present pay grade in the lower skill.

Inmate performance ratings and total hours in job categories shall be available for review when changes in job classifications are being considered.

An inmate’s pay rate shall not be reduced nor shall the inmate be removed from pay status except for causes reflected in reports for inclusion in the inmate’s C-File. When the cause is for misbehavior including willful refusal or failure to work as directed, the matter will be reported as a disciplinary offense on a CDC Form 115, Rules Violation Report. A finding of guilty to the charge may be accepted as authority to reduce the inmate’s pay rate or remove the inmate from pay status, without regard for any other penalty imposed at the disciplinary hearing. Such a rate reduction or removal shall be taken within ten days of the disciplinary action.

Excluding transfers, when the cause for an inmate’s reduction in pay rate or removal from pay status results from no fault of the inmate, including inability to satisfactorily perform the assigned job after a reasonable effort to do so, the non-disciplinary cause shall be reflected as such on a CDC Form 128-B, General Chrono, for inclusion in the inmate’s central file.

51120.10 Performance Appraisals
Mandatory quarterly performance grading shall be submitted by the immediate supervisor on a CDC Form 101, Work Supervisor’s Report, based on the following criteria:
• Demonstrated skill and knowledge.
• Observed work habits.
• Attitude toward:
  • Fellow inmates.
  • Staff.
  • Job.
• Learning ability.
• Awareness of new procedures and methods.
• Alertness and perseverance.
• Quantity of work.
• Care and use of tools and equipment.
• Recommendation for step increase in authorized pay.

Based on the above, the inmate may be recommended for a step increase in authorized pay, to be reviewed by the Inmate Pay committee for appropriateness.

Receiving an unsatisfactory CDC Form 101 shall be grounds for referral to an institution/facility classification committee for program change.

51120.11 Absences
Inmates shall report to their place of assignment at the time designated by the immediate supervisor. Inmates shall not leave an assignment without permission to do so. Unauthorized absences shall result in no credit earning for the entire day. The CDCR Form 1697, Inmate Work Supervisor’s Time Log, shall reflect the time period of the unauthorized absence.

Under no circumstances shall inmate pay be granted for time not worked.

California Code of Regulations, Title 15, Section 3041(b)(2).

51120.12 Timekeeping Documents
All timekeeping documents shall be maintained under lock and key. Inmates shall not have access to any timekeeping documents, pursuant to DOM 53130.

Timekeeping for pay purpose is documented on various time logs including, but not limited to, the following:
• CDC Form 190, Inmate Payroll.
• CDCR Form 1697, Inmate Work Supervisor’s Time Log.

Work supervisors shall be responsible for:
• Keeping continuous daily records.
• Accuracy of timekeeping.
• Entering total hours worked daily.
• Completing and signing documents at the end of each month.
• Submitting payroll documents to the division head responsible for work projects.

Time Logs
If the inmate leaves the pay assignment or is reassigned during the calendar month, the work supervisor shall immediately close out the CDCR Form 1697, Inmate Work Supervisor’s Time Log, and payroll log for the inmate and submit it to the division head.

Accounting Officer
Monthly, the facility/CCF accounting office, after auditing the time log, shall separate inmate payroll on a CDC Form 190-B, Inmate Pay/Work Project Claim Certification, for each fund from which inmate wages are to be paid.

Trust Office
Payroll documents shall be delivered to the trust office. Trust office staff shall post the earnings to the inmate’s trust account.
51120.13 Revisions
The Chief Deputy Secretary, Adult Operations, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

51120.14 References
PC §§ 2700 and 2811.
LC § 1182.
DOM §§ 51121, 51130, 53130, and 53140.9.
Title 15 §§ 3041, 3484, and 3485.
United States Department of Labor DOT.

ARTICLE 13 — CALPIA INMATE HIRING REQUIREMENTS AND PAY
Revised April 2, 2013

51121.1 Policy
Penal Code (PC) Section 2801 provides for the creation and maintenance of working conditions within CALPIA’s enterprises. This includes a hiring requirement exclusively utilized to govern the employment of inmates assigned to CALPIA work/training programs.

PC Section 2811 specifies that the General Manager adopt and maintain a compensation schedule for inmate workers of the California Prison Industry Authority (CALPIA). Such compensation shall be in accordance with a graduated pay schedule based on quality and quantity of work performed and skill required for its performance. The statutory limitation is one-half the minimum wage provided for by the Labor Code (LC) Section 1182.

51121.2 Purpose
The procedure establishes the process for CALPIA inmate hiring, pay reductions and dismissal from CALPIA work programs. This procedure also establishes guidelines for uniform interpretation, application, and administration of the CALPIA inmate pay plan.

51121.3 CALPIA General Work Expectations
All inmates assigned to CALPIA work programs are to adhere to general work expectations. The Prison Industries Superintendent I and II are responsible for supplemental (specific) work expectations related to industry type. CALPIA work expectations include but are not limited to:

- Follow all instructions given by the supervisor.
- Know and follow all work place rules and regulations.
- Safety is a priority. The use of personal protective equipment, as required in designated areas, is mandatory. Training is required prior to the use of any tool or operation of equipment. The supervisor must be informed immediately, if a danger is perceived or present.

51121.4 CALPIA Inmate Worker Hiring Requirements
CALPIA shall fill vacant job/training positions based on the following factors:

- Skill – Demonstrating expertise of technical skills and knowledge.
- Ethnic Balance – Parity should be maintained with the institution’s yard ethnic breakdown.
- Behavior – Relationship with others. Demonstrates ability to deal with authority figures, job supervisors, and other inmates.
- Attitude/Adaptability – Demonstrating willingness to learn, take directions, and orders.
- Work Habits – Punctuality, dependability, care of equipment, and safety practices.
- Formal Education/Training. Preparation for work and the ability to read, write, and speak effectively.
- The ability to perform the essential functions of the program, with or without reasonable accommodations.

Definitions of inmate worker skill levels are as follows:

- **Clerical**
  - Special Skills:
    - Lead clerk who has the most responsible clerical position in administration, factory, farm, office, or warehouse.
  - Technicians:
    - Lead clerk of a section or an operating unit of the facility whose supervisor does not have a civil service typist.
  - Semi-skilled:
  - Lead clerks whose positions require less responsibility and skill than the above classifications, or who are working with clerks of higher classifications.
  - General clerical positions.

- **Trades**
  - Special Skills:
    - Set up and layout men who are responsible for guiding products through production lines or are responsible for the operation of many complex machines.
  - Mechanics and craftspersons who are responsible for difficult and technical work and have only limited or intermittent supervision.

- Assist in training other inmates.
  - Technicians:
    - Journeyman mechanics, craftpersons, Inspector IIs, and heavy equipment operators who have only intermittent supervision.
  - Semi-Skilled:
    - Apprentice mechanics, Inspector Is, medium equipment operators, and medium machine operators.
    - Lead floor persons who assist in the training of laborers.
  - Laborers:
    - Janitors.
    - Trainees.

- **Farm Workers**
  - **Special Skills:**
    - Herdsman and licensed pasteurizers.
  - Technicians:
    - Milkers.
  - Semi-Skilled:
    - Persons in farming, animal production, and animal husbandry.
  - Laborers:
    - Farm/barn crew or entry level position to CALPIA.

51121.4.1 Minimum Intake Requirements
Inmates applying for a job or an apprenticeship/training position with CALPIA should have a minimum of two (2) years and a maximum of five (5) years from their Earliest Possible Release Date (EPRD), on the date of application.

**Exemption:** Institution Wardens and/or CALPIA Administrator/Lead Managers with transient populations where inmate availability deficiencies are statistically substantiated by virtue of individual missions must obtain a written waiver authorization from CALPIA General Manager annually. Institutions which receive this authorization will be allowed to utilize the following alternate intake requirement:

Inmates applying for a job or an apprenticeship/training position with CALPIA should have a minimum of two (2) months and a maximum of six (6) months from their Earliest Possible Release Date (EPRD), on date of application.

Eligible inmates must possess a Test of Adult Basic Education (TABE) score of 9.0 prior to assignment. Additionally, assigned inmates will have to complete their GED or High School diploma within two years of initial CALPIA assignment. Failure to obtain GED equivalences or High School diploma may result in the inmate’s immediate un-assignment from CALPIA.

**Exemption:** Institution Wardens and/or CALPIA Administrator/Lead Managers, with populations where inmate educational levels do not meet manpower needs, must obtain a written waiver authorization from CALPIA General Manager annually. Institutions which receive this authorization will be allowed to utilize the following alternate intake requirement:

Inmates exercising for a job or an apprenticeship/training position with CALPIA should have a minimum of two (2) years and a maximum of six (6) months from their Earliest Possible Release Date (EPRD), on date of application.

Eligible inmates must possess a Test of Adult Basic Education (TABE) score of 7.0 prior to assignment. Additionally, assigned inmates will have to complete their GED or High School diploma within two years of initial CALPIA assignment. Failure to obtain GED equivalences or High School diploma shall result in the inmate’s immediate un-assignment from CALPIA.

**Exemption:** Institutions Wardens and/or CALPIA Administrator/Lead Managers with populations where inmate educational levels do not meet manpower needs, must obtain a written waiver authorization from CALPIA General Manager annually. Institutions which receive this authorization will be allowed to utilize the following alternate intake requirement:

Inmates applying for a job or an apprenticeship/training position with CALPIA should have a minimum of two (2) years and a maximum of five (5) years from their Earliest Possible Release Date (EPRD), on the date of application.

**Exemption:** Institution Wardens and/or CALPIA Administrator/Lead Managers with transient populations where inmate availability deficiencies are statistically substantiated by virtue of individual missions must obtain a written waiver authorization from CALPIA General Manager annually. Institutions which receive this authorization will be allowed to utilize the following alternate intake requirement:

Inmates applying for a job or an apprenticeship/training position with CALPIA should have a minimum of two (2) months and a maximum of six (6) months from their Earliest Possible Release Date (EPRD), on date of application.

Eligible inmates must possess a Test of Adult Basic Education (TABE) score of 9.0 prior to assignment. Additionally, assigned inmates will have to complete their GED or High School diploma within two years of initial CALPIA assignment. Failure to obtain GED equivalences or High School diploma may result in the inmate’s immediate un-assignment from CALPIA.

**Exemption:** Institution Wardens and/or CALPIA Administrator/Lead Managers, with populations where inmate educational levels do not meet manpower needs, must obtain a written waiver authorization from CALPIA General Manager annually. Institutions which receive this authorization will be allowed to utilize the following alternate intake requirement:

Inmates exercising for a job or an apprenticeship/training position with CALPIA should have a minimum of two (2) years and a maximum of six (6) months from their Earliest Possible Release Date (EPRD), on date of application.

Eligible inmates must possess a Test of Adult Basic Education (TABE) score of 7.0 prior to assignment. Additionally, assigned inmates will have to complete their GED or High School diploma within two years of initial CALPIA assignment. Failure to obtain GED equivalences or High School diploma shall result in the inmate’s immediate un-assignment from CALPIA.

**Exemption:** Institutions Wardens and/or CALPIA Administrator/Lead Managers with populations where inmate educational levels do not meet manpower needs, must obtain a written waiver authorization from CALPIA General Manager annually. Institutions which receive this authorization will be allowed to utilize the following alternate intake requirement:

Inmates exercising for a job or an apprenticeship/training position with CALPIA should have a minimum of two (2) months and a maximum of six (6) months from their Earliest Possible Release Date (EPRD), on date of application.

Eligible inmates must possess a Test of Adult Basic Education (TABE) score of 7.0 prior to assignment. Additionally, assigned inmates will have to complete their GED or High School diploma within two years of initial CALPIA assignment. Failure to obtain GED equivalences or High School diploma shall result in the inmate’s immediate un-assignment from CALPIA.
administrative burden. Assigned inmates must be able to perform the duties of the position with or without reasonable accommodations.

The total number of inmates with Life sentences assigned to CALPIA programs at an institution shall not exceed 25 percent of the established workforce allocation per CALPIA Enterprise. This percentage will not necessarily achieve parity with the institution’s yard housed inmates in the overall institution’s lifer population make up.

**Exemption:** Institution Wardens and/or CALPIA Administrator/Lead Managers with Life sentence populations where inmate availability deficiencies are statistically substantiated by virtue of individual missions must obtain an annual waiver authorization exempting them from the 25 percent cap from CALPIA General Manager. This authorization will allow inmates to exceed the 25 percent cap in order to provide CALPIA the necessary manpower needs.

Immigration and Customs Enforcement (ICE) Hold Inmate Workers who have not been lawfully admitted for permanent residence within the U.S. at the time of incarceration, or were not permanently residing in the U.S. as a result of the application of the provision of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act may be assigned to a CALPIA job training assignment; however, they will not be eligible to receive external accredited certificates through CALPIA. ICE Hold Inmate workers who are in the process of acquiring an external certification or have had their ICE Hold status removed through administrative proceedings will be allowed to continue and finish such external certification.

**5121.4.2 Mandatory Exclusionary Requirement**

Revised August 20, 2018

Inmates serving life sentences without the possibility of parole (LWOP) shall not be eligible for a CALPIA assignment; unless the inmate meets the exception found in 8004(d)(4) of Title 15, Division 8. (Institutions/facilities with a population resulting in inmate worker unavailability may utilize inmates with LWOP sentences with the approval of the Warden at the institution/facility of a case-by-case basis.)

Inmates with extensive history of disciplinary adverse actions, such as Rule Violation Report CDC Form 115 or disciplinary measures in previous un-assignments from CALPIA must have a minimum of six (6) months of disciplinary-free conduct before being considered for a CALPIA assignment, on a case-by-case basis. The CALPIA Administrator/Lead Manager must approve and authorize each assignment.

Inmates convicted of arson, elements of arson and/or possession of or use of explosive material shall not be eligible for a CALPIA assignment. This is due to the proximity and availability of volatile flammable chemicals and fire hazard materials associated with industrial environments.

**Exemption:** if the arson conviction was more than 15 years prior to the date of application, and the inmate meets all other eligibility requirements, the inmate may be placed on the CALPIA Inmate Candidate Pool (ICP).

Inmates classified as Close B Custody may be excluded from assignment to CAPLIA. Wardens may approve, on a case-by-case basis, Close B inmates to CALPIA assignments.

Inmates convicted of computer related crimes shall not be eligible for assignments to CALPIA clerical positions.

Inmates convicted of forgery, fraud, or embezzlement shall not be assigned to the CALPIA Specialty Print Plants, ensuring the integrity of confidential documents.

Inmates assigned to employment within CALPIA, pursuant to Penal Code (PC) Section 5071, shall not have access to personal information of private individuals.

Inmates convicted of a PC Section 290 offense shall not be assigned to the CALPIA optical program.

**5121.4.3 Recruitment and Hiring Process**

CALPIA will have the ability and discretion to recruit inmates for work/training statewide to ensure participation and success of its various programs. CALPIA Administrator/Lead Manager will coordinate efforts with Correctional Counselor III staff and/or Institution Classification Services Staff to accomplish this process.

CALPIA will make job applications (CALPIA Inmate Worker Application Form IEP-F002) available to the inmate population through the following institutional services:

- Institution Library
- Inmate Orientation
- Correctional Counselor’s Office
- CALPIA Administration Offices
- CALPIA Enterprises
- Housing Units

Inmates interested in obtaining a position with CALPIA will submit completed applications for initial screening to their Correctional Counselor staff. Correctional Counselors will conduct a review of the inmates Central File (C-File) to ensure the inmate meets intake eligibility requirement as specified above. Counselors will schedule inmate to appear at an Initial/Unit Classification Committee for program review and placement into CALPIA’s ICP. The Institution’s Inmate Assignment Lieutenant will be responsible for maintaining the ICP and will provide a copy to the CALPIA Administrator.

CALPIA enterprise staff will interview inmates from the ICP and will conduct final selection of inmates to be assigned to a CALPIA assignment. Inmates selected should maintain parity with the institution’s yard ethnic breakdown.

ICP will be prioritized as follows:

1. High School Diploma or GED
2. Enrolled in GED program
3. No Diploma/GED and not enrolled in education program

A list of successful inmate applicants shall be made available to the CALPIA Administrator by the institutions inmate assignment office.

CALPIA enterprise staff will submit the final list of successful inmate applicants for immediate assignment to CALPIA, to the institution Inmate Assignment Lieutenant via memorandum.

The CALPIA Administrator/Lead Manager shall contact the institution’s Investigative Service Unit (ISU) and request a urinalysis test be conducted on newly hired CALPIA inmates within thirty (30) days. If a CALPIA inmate tests positive and is found guilty of Rules Violation Report (CDC-115) for Use/Possession of a Controlled Substance, the inmate will be immediately removed from their CALPIA assignment.

Inmates removed through this process must have a minimum of six (6) months of disciplinary-free conduct with a minimum of 90 days on an institutional assignment with satisfactory work reports (CDC-101s) before being reconsidered for a CALPIA assignment.

All inmates assigned to CALPIA shall remain subject to random drug testing for as long as they are assigned by CALPIA. If a CALPIA inmate is suspected of being under the influence of a controlled substance, the Superintendent I/II will contact the Administrator/Lead Manager to arrange a urinalysis test by the Investigative Services Unit.

All inmates assigned to CALPIA will be required to complete and submit an Inmate Worker Application Form (IEP-F002) which shall be completed by the inmate worker prior to the start of employment along with an Inmate Intake Form (IEP-F003). Inmates refusing to comply with this requirement will be denied employment with CALPIA and will be removed from CALPIA.

**5121.5 CALPIA Inmate Lead Position Hiring Procedures and Requirements**

Each CALPIA enterprise is authorized to have one leadperson position for each industrial staff within the operation. The Prison Industries Administrator/Manager at the facility shall approve the leadperson. Functions of leadperson positions shall be related to the duties of the industrial staff justifying the leadperson. All positions may be assigned leadperson pay. Under the direction of the CALPIA staff, the leadperson shall be expected to do much of the on-the-job training of newly assigned inmates. They shall assist in communicating to new inmate workers the staff’s expectations of their work. Inmate leadpersons shall not function as assistant forepersons or supervisors and shall not be assigned control over other inmates. Their role is limited to that of training and communication.

The following procedures will be used when hiring leadpersons for all CALPIA factories:

- Post job vacancy, indicating the area(s) of responsibility, description of duties, required skills and abilities. The posting will also indicate the experience and/or education necessary to apply for the position. The position will be posted for a one-week period; the closing date will be clearly stated.
- At the closing date all applications will be reviewed and only those meeting the hiring requirements will be selected for interview. Work files and/or C-files shall be reviewed by the interviewing staff panel.
- During the subsequent interviews, a staff panel will rate each applicant’s replies to a number of set questions. The questions will
reflect the applicant’s ability to carry out the Lead position duties, and the ability to work with others. The most qualified applicant will be selected for the position. All lead positions will include a probation period of six (6) months.  

51121.6  CALPIA Inmate Workforce Allocation Policy  
The facility Prison Industries Administrators/Managers shall determine the inmate workforce allocation for each cost center within their responsibility and adjust it as necessary by the procedures listed below. An inmate workforce allocation is defined as the current need for inmate workers in a specific cost center to maintain adequate production levels in order to support the volume of sales orders and service contracts. Changes in existing inmate workforce allocation shall be submitted annually via the CALPIA fiscal year budget process.  

51121.7  Establishing and Revising CALPIA Inmate Workforce Allocations  
The following procedures shall be followed when establishing new or revising existing CALPIA inmate workforce allocations:  

New Enterprises  
Prior to the activation of a new enterprise the Prison Industries Administrator/Manager is to follow the below-listed procedures:  

- Submit an inmate employment pay plan to the CALPIA Assistant General Manager, Operations Division via the Branch Managers for approval. The plan shall include the allocation of inmate workers required per shift; a listing of the pay positions designating no more than 25 percent in each of the A, B, C, and D pay categories; and the job description based on the Federal Bureau of Labor Statistics’ Standard Occupational Classification (SOC) for each pay position.  

- The inmate workforce allocation for each enterprise is to be jointly approved by (1) the Warden or designee and (2) the CALPIA Assistant General Manager, Operations Division.  

Existing Enterprises  
Prior to changes of existing workforce allocation of 15 percent or more, the CALPIA Prison Industries Administrator/Lead Manager will submit changes to the CALPIA Enterprise Branch Manager for approval. The plan shall include:  

- The workforce allocation of inmate workers required per shift, the SOC job description for each pay position, and the justification for revising an existing workforce allocation plan.  

- The inmate workforce allocation for each enterprise is to be jointly approved by (1) the Warden or their designee and (2) the CALPIA Assistant General Manager of Operations Division.  

- For changes of existing workforce allocation of less than 15 percent, the CALPIA Prison Industries Administrator/Lead Manager will submit an informational copy of the change justifying the revision in the inmate workforce allocation to the appropriate Enterprise Branch Manager.  

- The inmate workforce allocation for each enterprise is to be jointly approved by (1) the Warden or designee and (2) the Administrator/Lead Manager.  

The following standards will be utilized when inmate workforce allocations are reduced, causing a lay off situation of inmate workers. If possible, reduction and layoffs shall be accomplished through attrition.  

- Skill. Demonstrating expertise of technical skills and knowledge of a dedicated job or process in a CALPIA assignment.  

- Behavior. Relationship with Others. Demonstrates ability to deal with authority figures, job supervisors, and other inmates.  

- Attitude, Adaptability. Demonstrating willingness to learn, take directions, and orders.  

- Work Habits. Punctuality, dependability, care of equipment, and safety practices.  

- Formal Education/Training.  

51121.8  Source of CALPIA Inmate Pay  
Inmate workers assigned to CALPIA programs shall be paid from the Prison Industries Revolving Fund.  

51121.9  Administration of CALPIA Inmate Pay Plan  
It shall be the responsibility of the Prison Industries Administrator/Manager at each facility to administer the CALPIA inmate pay program consistent with the applicable laws and the details of this plan. The Prison Industries Administrator/Lead Manager shall:  

- Monitor programs to ensure that pay positions have been properly classified and allocated.  

- Review and appropriately approve/disapprove all recommendations for pay decreases and changes.  

- Review and appropriately approve/disapprove all recommendations for dismissal.  

- This policy and procedure shall be the final arbitrator regarding disputes or interpretations of this plan. The CALPIA inmate wage rates and any proposed changes shall be submitted to the Prison Industry Board (PIB) for review. Job descriptions shall be developed based on the Federal Bureau of Labor Statistics’ SOC system for each inmate work position. Each job description will establish the minimum acceptable standards of participation and performance. The inmate shall sign and be given a copy of the job description, indicating acceptance of the conditions of employment. Staffing tables shall be prepared in accordance with inmate assignment workforce allocations and submitted to CALPIA Central Office for approval.  

51121.10  CALPIA Inmate Pay Schedule  
Revised August 20, 2018  
Hourly wage rates shall be determined and maintained by the General Manager and published by the CALPIA. All CALPIA inmate positions are to be assigned to one of the following levels:  

<table>
<thead>
<tr>
<th>Hourly Pay Schedule</th>
<th>Title</th>
<th>Step I</th>
<th>Step II</th>
<th>Step III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 Leadperson (AA)</td>
<td>$.80</td>
<td>$.90</td>
<td>$1.00</td>
<td></td>
</tr>
<tr>
<td>Level 2 Special Skills (A)</td>
<td>.70</td>
<td>.75</td>
<td>.80</td>
<td></td>
</tr>
<tr>
<td>Level 3 Technician (B)</td>
<td>.60</td>
<td>.65</td>
<td>.70</td>
<td></td>
</tr>
<tr>
<td>Level 4 Semi-Skill (C)</td>
<td>.50</td>
<td>.55</td>
<td>.60</td>
<td></td>
</tr>
<tr>
<td>Level 5 Laborer (D)</td>
<td>.35</td>
<td>.40</td>
<td>.45</td>
<td></td>
</tr>
</tbody>
</table>

For each enterprise, the percentage of the inmate work force in each skill level may not exceed the following:  

<table>
<thead>
<tr>
<th>Title</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadperson (AA)/Special Skills (A)</td>
<td>25 percent</td>
</tr>
<tr>
<td>Technician (B)</td>
<td>25 percent</td>
</tr>
<tr>
<td>Semi-Skill (C)</td>
<td>25 percent</td>
</tr>
<tr>
<td>Laborer (D)</td>
<td>25 percent</td>
</tr>
</tbody>
</table>

Depending on actual inmate assignment turnover rate, the C and D pay categories may exceed the 25 percent payroll allocation. This is permissible as long as the C and D combined totals do not exceed 50 percent of payroll.  

51121.11  Movement Between and Removal From CALPIA Pay Rates and Skill Levels  
Movement between one pay rate to another pay rate shall be based upon a combination of factors including, but not limited to, the following:  

- The written recommendation of the supervisor showing cause for reduction of the inmate’s pay. The following document(s) and justification reflecting below standard performance, misbehavior or “A” days is required in support of this written recommendation.  

- The documentation of the inmate’s accumulated work history as reflected on a CDC 101, Work Supervisor’s Report.  

- General Chrono, CDC Form, 128-B, Custodial Counseling Chrono, Form 128-A and/or Rules Violations Report, CDC 115.  

Page 359
Inmate Work Supervisor’s Log, CDCR Form 1697, which reflect absent without leave “A” days.

Raises or reductions in an inmate’s pay shall be based on the work supervisor’s recommendation and the inmate’s work/training performance reports and disciplinary reports.

Pay increases shall not be automatic or based on the inmate’s longevity in an assignment.

Workers in each skill level may be advanced to the next step within a skill level only after three months of satisfactory performance, or advanced from one skill level to the next only after one month of satisfactory performance, upon the recommendation of the supervisor, and if there is a vacant pay position available. The pay increase shall be effective on the first day of the following month in which the pay increase is implemented following approval by the Prison Industries Administrator/Manager. Less than satisfactory performance may result in a reduction in the hourly wage rate with the submission of a CDC Form 128-B-1, Classification Hearing Request/Notice Form, and a CDC Form 101, Work Supervisor’s Report, stating the reason for the reduction in pay.

Inmates approved for advancement to a higher skill level shall enter the new classification pay grade equal to or greater than their present pay grade in the lower skill. For example, an inmate in the semi-skilled classification receiving an hourly wage of $0.50 who advances to technician shall receive not less than $0.55 or more than $0.65 per hour. Longevity shall not be used as a standard for the purpose of upgrading skill level.

Inmates removed from their CALPIA assignment for reasons beyond their control, for example: out-to-court or lengthy hospital stays, may, via the committee process, return to a CALPIA assignment at the same or closest level of pay to their former position if available in accordance with DOM section 53130.9.2.2.

51121.12 CALPIA Employment Dismissal

An inmate’s pay rate shall not be reduced nor will the inmate be removed from pay status except based on the supervisor’s recommendation, below standard or less than satisfactory work performance, or inmate misconduct as described in Title 15, California Code of Regulations, Division 3, Sections 3312, 3314, or 3315.

When the dismissal is for misconduct, including willful refusal or failure to work as directed, a CDC Form 101, Work Supervisors Report, shall be prepared and submitted to the factory superintendent for review and approval.

The following document(s) and justification reflecting below standard performance, misbehavior or “A” days is required in support of this work history.

- CDC Form 128-B, General Chrono, CDC Form 128 A, Custodial Counseling Chrono, and CDC Form 115, Rules Violation Report.
- Inmate Work Supervisor’s Log, CDC Form 1697 which reflect absent with out leave “A” day.

The CALPIA Administrator/Lead Manager will review for proper justification and approve the applicable above written documentation. If denied all documentation will be returned to factory Superintendent. Upon approval CALPIA Administration will generate a CDC Form 128-B-1, Classification Hearing Request/Notice, and submit to Facility Classification Committee for removal of inmate from CALPIA work program. The CALPIA Administrator/Lead Manager or designated Superintendent will be required to attend the Facility Classification Committee hearing. The CALPIA representative will assist the Committee by providing any additional information and/or testimony that may be required to remove the inmate from his/her CALPIA assignment.

The inmate shall be placed on “S” time in accordance with CCR Title 15 Section 3045.3, with the approval of the CALPIA Administrator/Lead Manager, pending the outcome of the disciplinary process. A finding of guilt to the charge may be accepted as authority for dismissal and/or reduction of the inmate’s pay rate to the lowest CALPIA pay number, notwithstanding any other penalty imposed at the disciplinary hearing.

The CDC Form 128-B, General Chrono, requesting that the inmate be placed on “S” time should as an example contain the following verbiage; “Due to the seriousness of the rules violation and the security risk posed to CALPIA and the institution and because of the inability to maintain constant supervision of this inmate on the job site during an entire work shift, inmate (inmate name) is deemed a security risk to CALPIA and the institution and shall remain on “S” time pending the adjudication of the CDC Form 115, Rules Violation Report”. (Attach the rough copy of the CDC Form 115 to the CDC Form 128-B).

Any inmate unassigned from CALPIA for disciplinary cause will be ineligible for reassignment to another CALPIA enterprise. If after six months of disciplinary free behavior and a positive CDC Form 101, Work Supervisors Report, from a work assignment other than CALPIA, an inmate may be eligible for reassignment. The reassignment shall require the approval of the CALPIA Administrator/Lead Manager.

51121.13 Activities for Which CALPIA Inmate Pay Is Authorized

CALPIA inmates shall be paid for the following activities only:

- Productive work.
- Actual work time.
- Tool check-in/check-out (15 minutes twice per day).
- Clean-up (15 minutes twice per day).
- Official break times.
- Management approved job-related trade training during a portion of the regular workday.

CALPIA inmates shall not be paid for the following:

- State holidays.
- Time lost due to job related illness or injury.
- Late release by custody.
- Shower time, unless required by job description.
- Lunch breaks.

51121.14 CALPIA Inmate Performance Appraisals

Mandatory quarterly performance grading shall be submitted by the inmate’s immediate supervisor on CDC Form 101 for the following standards:

- Demonstrated skill and knowledge.
- Observed work habits.
- Attitude toward fellow inmates, staff, and the job.
- Learning ability, awareness of new procedures and methods, alertness, and perseverance.
- Quality of work.
- Quantity of work.
- Care and use of tools and equipment.
- Recommendation for step increase in authorized pay.

Receiving an unsatisfactory CDC Form 101 and a CDC Form 128-B-1 shall be authorization for reduction in pay rate and/or position, demotion, or termination by referral to the facility classification committee for program change.

51121.15 CALPIA Assignments for Transferred Inmates

Former CALPIA inmates transferring from other facilities may be placed in the skill level, which is appropriate for the position desired if the inmate stays in the same trade area provided they demonstrate the skills deemed necessary for appointment during the ninety (90) days at the probationary D1 rate.

Inmates may be placed at an equal level to the work assignment previously held at the sending facility, when a position becomes available, but such placement is not guaranteed. This placement remains subject to the availability of a position and other requirements as set forth in DOM subsection 51121.4.

51121.16 CALPIA Inmate Timekeeping Procedures

All CALPIA inmate workers' time shall be initially recorded by time clocks on timecards. All punching of timecards shall be under the direct supervision of a civil service employee. Timecards shall be maintained in secure locked containers when not in use. The inmate's supervisor shall be responsible for verifying and certifying by initialing the timecard before its submission for payroll preparation.

Time records shall be consolidated on a summary form, initialed by the supervisor, and signed by the Prison Industries Administrator/Manager. If an inmate is reassigned during the pay period, the work supervisor shall complete the timecard and turn it in to the timekeeper.

All appropriate facility timekeeping forms approved by the Prison Industries Administrator/Manager, supported by the timecard, shall be forwarded to the facility accounting office immediately after the close of the pay period. Central Office timekeeping forms are to be forwarded to Operations Division, who will then forward to Accounting Services.

Payroll shall be prepared from the approved information. One copy shall be retained by the facility Prison Industries Administrator’s/Manager’s office and the original shall be forwarded to the CALPIA facility accountant, who must call the total inmate pay amount to Central Office Accounting Services and prepare the accounting entry which distributes the costs by enterprise.
51121.17 **CALPIA Inmate Payroll**

On a monthly basis, the facility accounting office, after auditing the summary form, shall prepare a separate inmate payroll on CDC Form 190 for each fund from which inmate wages are to be paid. The original copy of CDC Form 190 is to be submitted to the CALPIA Accounting Office, Revenue Unit, and the duplicate is to be retained by the facility accounting office. Immediately upon preparation of payrolls, earnings shall be credited to inmates’ trust accounts. CALPIA will issue a revolving fund check to be deposited in the inmate trust fund in an amount equal to the total of all payroll. Payroll claim schedules shall be prepared so that the State Controller’s Office reimburses the Prison Industries Revolving Fund.

51121.18 **CALPIA Inmate Attendance**

One hundred percent attendance is expected of all inmate workers.

Inmates shall report to their place of assignment at the time designated by the facility’s schedule of activities and as instructed by their work supervisor. Inmates shall not leave an assignment without permission to do so. Unauthorized absences shall not earn pay or time credits and may be grounds for dismissal from CALPIA employment. On an emergency basis, inmates shall be required to work overtime at the direction of the Prison Industries Administrator/Manager or designee. ETO may be utilized as described in CCR Section, 3045.2 Excused Time Off.

51121.19 **Security of Timekeeping Forms**

The time clock timecards are considered legal documents. These forms shall be maintained under lock and key, and no inmate shall have access. The accuracy of timekeeping is paramount, and industrial supervisors shall be held responsible.

Each employee who is responsible for supervising an inmate in an approved pay position shall keep a continuous daily record of the actual hours worked as stated in DOM subsection 51121.16.

At the end of each calendar month, the employee shall complete the forms, sign the required certification as to the accuracy of the working time stated, and submit them to the facility Prison Industries Administrator/Manager or designee. In accordance with local procedures, the appropriate form shall be delivered to the records office for recording of “A” time only.

Entries on the timecard shall be made for each day the inmate is assigned. If assigned less than the full month, a diagonal line must be drawn through the unassigned dates. On the first day of work, show assignment. Show the reason for leaving the assignment. The following symbols and the appropriate number of hours for each shall be used by the work supervisor to record the inmate’s work day. Each day must reflect time for a full-day or half-day as appropriate.

<table>
<thead>
<tr>
<th>X</th>
<th>WHEN INMATE IS ON THE JOB</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>WHEN INMATE IS ABSENT AND UNEXCUSED FROM ASSIGNMENT</td>
</tr>
<tr>
<td>R</td>
<td>WHEN INMATE IS ON REGULAR DAYS OFF.</td>
</tr>
<tr>
<td>H</td>
<td>STATE HOLIDAY.</td>
</tr>
<tr>
<td>S</td>
<td>WHEN INMATE IS UNABLE TO REPORT TO WORK BY ORDER OF THE PRISON ADMINISTRATION. (For example: lockdown; supervisor absent, out-to-court as witness for the State or on subpoena; pre-release/transfer checkout).</td>
</tr>
</tbody>
</table>

Upon inmate transfer, parole, or reassignment, it shall be the responsibility of the work supervisor to immediately forward to the division head completed timecards for signature and transmittal to the records office if “A” time is present.

51121.20 **Revisions**

The General Manager, CALPIA, or designee shall be responsible for ensuring that the contents of this article are kept current and accurate.

51121.21 **References**

PC § 2801, 2806 and 2811.
LC § 1182(b).

ARTICLE 14 — CONSERVATION CAMPS

Revised May 25, 1993

51130.1 **Policy**

PC 6200 and 6204 permit The Director to establish a Conservation Camp Program and to promulgate rules and regulations for the government of the Conservation Centers in the management of their affairs.

51130.2 **Purpose**

The purpose of the Correctional Conservation Camp Program shall be to promote the conservation of natural and human resources within the limits established by law, CCR, and the operating procedures of cooperating agencies. The Conservation Camp Program shall cooperate with other State and local agencies in a joint operation.

Inmates may be assigned to perform public conservation projects including, but not limited to, the following:
- Forest fire protection and control.
- Forest and watershed management.
- Recreational area development.
- Fish and game management.
- Soil conservation.
- Forest watershed revegetation.

51130.3 **Joint Administration**

The Conservation Camp Program shall be jointly administered by CDC and the Department of Forestry and Fire Protection (CDF); by CDC and the Los Angeles County Fire Department (LCFD); and/or with other cooperating agencies. The Director may enter into contracts or cooperative agreements with public agencies for the performance of appropriate conservation projects.

Any productive industrial enterprise subject to the jurisdiction of the CALPIA established at any center or camp shall be approved by the General Manager, CALPIA.

**Interagency Agreements**

Copies of each interagency agreement shall be maintained on file at the headquarters and at the facilities with camps.

51130.4 **Department Contact Agency Liaison**

The Conservation Camp Coordinator, under the direction of the Deputy Director, Institutions Division, shall maintain direct liaison with CDF, LAC, and other agencies in operation of Conservation Camps.

51130.4.1 **Department’s Agency Representative**

On all major fires and other emergencies in which it becomes necessary to establish emergency camps and where a combination of Conservation Camp inmates and Department personnel are based, a supervisor at the level of Sergeant or higher shall be appointed by the Captain responsible for camps in the affected fire district.

The supervisor shall coordinate all matters affecting all inmate crews that may be participating in the containment of the emergency, and shall act as the Department’s Agency Representative. This Agency Representative shall make all contacts with the cooperating agency. They shall represent all Department employees and Department inmate crews on custodial and related matters regardless of origin of the crews. All Department camp personnel shall report to the Department’s Agency Representative as soon as possible after arriving at the emergency camp. They shall provide the Agency Representative with the following information:
- The number of inmates.
- The number of custody staff accompanying the inmates.
- The name of the camp the inmates/staff are from.

51130.4.2 **Administrative Responsibility of Camps**

The Conservation Camps located on the grounds of CMC and CRC shall be administered by their respective parent facilities. Administrative responsibility of the remaining Conservation Camps is delegated to CCC and SCC.

51130.5 **Names and Locations of Camps**

Every Conservation Camp has a designated name jointly selected and approved by CDF and CDC, or by LAC and CDC. The name of the facility

CCR (15)(3) § 3044.
CCR (15)(8) § 8004-8004.4; 8006
responsible for the operation of the camps should not be used on camp signs or literature pertaining to the camps. The Conservation Camps and their location are listed below:

**CCC Camps:**
Alder Conservation Camp #20  
P.O. Box 906  
Klamath, CA  95548  
(707) 482-4511

Antelope Conservation Camp #25  
P.O. Box 641  
Susanville, CA  96130  
(916) 257-2181

Chamberlain Creek Conservation Camp #17  
15800 Highway 20  
Fort Bragg, CA  95437  
(707) 964-3518

Deadwood Conservation Camp #23  
17148 McAdams Creek Road  
Fort Jones, CA  96032  
(916) 468-2633

Delta Conservation Camp #8  
6246 Lambie Road  
Suisun City, CA  94585  
(707) 425-4878

Devil's Garden Conservation Camp #40  
P.O. Box 490  
Alturas, CA  96101  
(916) 233-3553

Eel River Conservation Camp #31  
P.O. Box 819  
Redway, CA  95560  
(707) 923-2755

High Rock Conservation Camp #32  
P.O. Box 296  
Weott, CA  95571  
(707) 946-2343

Intermountain Conservation Camp #22  
P.O. Box 615  
Bieber, CA  96009  
(916) 294-6361

Ishi Conservation Camp #18  
Star Route 3, P.O. Box 53  
Paynes Creek, CA  96075  
(916) 597-2846

Konocti Conservation Camp #27  
13044 State Highway 29  
Lower Lake, CA  95457  
(707) 994-2437

Parlin Fork Conservation Camp #6  
23000 Highway 20  
Fort Bragg, CA  95437  
(707) 964-3766

Salt Creek Conservation Camp #7  
P.O. Box 435  
Paskenta, CA  96074  
(916) 833-5479

Sugar Pine Conservation Camp #9  
15095 Sugar Pine Camp Road  
Bella Vista, CA  96008  
(916) 472-3027

Trinity River Conservation Camp #3  
P.O. Box 609  
Lewiston, CA  96052-0609  
(916) 286-2885

Valley View Camp #34  
P.O. Box 8  
Elk Creek, CA  95939  
(916) 968-5142

**SCC Camps:**
Acton Conservation Camp #11 (LAC)  
8800 Soledad Canyon Road  
Acton, CA  93510  
(805) 268-0113

Baseline Conservation Camp #30  
16809 New Peoria Flat Road  
Jamestown, CA  95327  
(209) 984-4464

Bautista Conservation Camp #36  
33015 Bautista Canyon Road  
P.O. Box 12009  
Hemet, CA  92343-1059  
(909) 927-3600

Fenner Canyon #41 (LAC)  
P.O. Box 100  
Valyermo, CA  93563  
(805) 944-0173

Franciscoisco Conservation Camp #4 (LAC)  
3510 N. San Francisco Canyon Road  
Saugus, CA  91350  
(805) 296-4409

Gabilan Conservation Camp #38  
Route 1, Box 105  
Soledad, CA  93960  
(408) 678-1873

Growlersburg Conservation Camp #33  
Box 349004  
Georgetown, CA  95634  
(916) 333-4244

Julius Klein Conservation Camp #19 (LAC)  
22550 East Fork Road  
Azusa, CA  91702  
(818) 910-1213

Malibu Conservation Camp #13 (LAC)  
1250 S. Encinal Canyon Road  
Malibu, CA  90265  
(213) 457-2253

McCain Valley Conservation Camp #21  
P.O. Box 1252  
Boulevard, CA  91905  
(619) 766-4393

Miramonte Conservation Camp #5  
49039 Orchard Drive  
Miramonte, CA  93641  
(209) 336-2312

Mt. Gleason Conservation Camp #16 (LAC)  
26650 N. Angeles Forest Highway  
Palmdale, CA  93550  
(805) 947-7784

Mountain Home Conservation Camp #10  
P.O. Box 647  
Springville, CA  93265  
(209) 539-2334
Administrative responsibility includes, but is not limited to, the following:

At those facilities that operate facility-based camp programs, the Warden at each facility having a Conservation Camp Program, the Warden shall understand objectives of the cooperating agency and work with them as a liaison officer toward reaching mutual respect and cooperative understanding. The Camp Commander has direct responsibility for all phases of the camp program which shall consist of, but is not limited to, the following:

- Acquisition, preparation, and inventory of food supplies, clothing requirements, and canteen supplies.
- Recreational and in-camp leisure activities of the inmates.
- Housekeeping of buildings occupied by Department personnel.
- Maintenance of the custody and security of inmates assigned to their camp.

51130.7.1 Assistant Camp Commander
A Sergeant is the assistant to the Camp Commander and reports to them. The Sergeant acts as Camp Commander during that person’s absence from the camp.

51130.7.2 Officer
Officers, during their duty hours, supervise and control inmates at the direction of the Camp Commander and Assistant Camp Commander. Note: Personnel assigned to the Conservation Camps shall be regulated by the same conditions of employment that apply to all other employees of the Department. Each camp is a branch of the facility that maintains it and all pertinent rules, regulations, and laws apply.

51130.7.3 Personnel – Department of Forestry and Fire Protection
Listed below is the CDF personnel assigned to each Conservation Camp.
- Camp Division Chief. Shall be in charge of all forestry activities at a Conservation Camp.
- Assistant Division Chief. Shall be assigned to camps which have 100 or more inmates.
- State Fire Captains (B). Shall be assigned to a ranger unit fire control position and may supervise inmates on a temporary basis on work projects or on the fire line and shall be equally responsible for inmates assigned to them for work.
- Heavy Fire Equipment Operators. Are assigned to operate and repair the CDF in-camp vehicles and to operate heavy equipment on conservation projects and fires. They may also be assigned to supervise in-camp inmates on in-camp work projects.

51130.7.4 Personnel – Los Angeles County Fire Department
Listed below is LAC personnel that may be assigned to Conservation Camps located in Los Angeles County:
- Fire Captain. Shall be in charge of all fire and project activity in the camp.
- Fire Fighter Specialists. Shall supervise the inmates assigned to them for work.

51130.8 Inmate Assignment
Inmates are assigned to a camp from approved departmental lists. Selection of specific camp assignments is made on the basis of population needs and needs of the inmate, in line with departmental regulations.

51130.9 Inmate Orientation
The Classification Committee carefully evaluates the escape potential of inmates assigned to a camp. Inmates sometime present a different appearance when behind walls or under constant surveillance than they do in minimum custody camp surroundings. This difference often becomes apparent to the correctional camp personnel. Therefore, the correctional camp employees need to carefully study assigned inmates and return to the facility those inmates who they believe to be escape-risks. Such returned inmates should not constitute a large percentage of the camp population.

51130.6 Operational Administration
At each facility having a Conservation Camp Program, the Warden administers the camp operation. At those facilities that operate facility-based camp programs, the administration shall be carried out as an adjunct to other daily operations. Administrative responsibility includes, but is not limited to, the following:

- Budget for and supply the camps with all necessary manpower, materials, and supplies to properly operate and maintain the camps.
- Direct and supervise all camp activities so that the camp shall operate for the benefit of the State and the rehabilitation of the inmates.
- Coordinate with the cooperating agency all of the activities necessary for the operation of the conservation camp program.
- Supervise all custodial and treatment personnel and direct their compliance with the CCRs, State law, and applicable procedures.

51130.7 Camp Commander
The Camp Commander (Lieutenant) at each Conservation Camp reports to the Camp Captain at the parent facility (CCC/SCC). The Camp Commander shall understand objectives of the cooperating agency and work with them as a liaison officer toward reaching mutual respect and cooperative understanding. The Camp Commander has direct responsibility for all phases of the camp program which shall consist of, but is not limited to, the following:

- Acquisition, preparation, and inventory of food supplies, clothing requirements, and canteen supplies.
- Recreational and in-camp leisure activities of the inmates.
- Housekeeping of buildings occupied by Department personnel.
- Coordination with the cooperating agency all of the activities necessary for the operation of the conservation camp program.
51130.12 Work Projects
Inmate work projects are planned and supervised by the cooperating agency, pursuant to PC 2780, but are approved for custodial security and safety by the Camp Commander. Work projects shall not be permitted in areas that present undue escape hazards, civilian contacts, or which cannot be subject to adequate health, safety, and security precautions.

51130.12.1 CDC Form 101: Work Supervisor’s Report
A CDC Form 101, Work Supervisor’s Report, is completed monthly by the agency crew foreman on inmates assigned to them. The CDC Form 101s are routed to the Camp Commander and forwarded by them to the respective facility’s records office for posting on CDC Form 109, Work Report Chrono Sheet.
- Class grade, report forms, and reporting periods are prescribed by the Department. It is recommended that cooperating agency personnel keep a daily record of the work and attitude of each inmate under their supervision.

51130.13 Formal Inmate Counts
There shall be at least four formal camp counts of inmates in each 24-hour period. (Refer to formal counts in DOM 52020.)

51130.13.1 Informal Counts – Project Foreman
Inmates shall be counted upon mounting and dismounting vehicles and going to and returning from any place outside the camp or facility. Agency crew foremen shall make counts of inmates in their custody at frequent intervals and shall count the inmates before leaving camp and upon returning to camp. Counts are required at least once during the morning, lunch time, between lunch and the end of the work day, departure from the work area, and at other times recommended by the Camp Commander.

51130.13.2 Emergency Counts
Emergency counts may be necessary at any time to determine if there has been an escape or to identify an escapee(s). (Refer to DOM 52020 for additional information on emergency counts).

51130.14 Transfer of Custody
Transfer of custody of inmates to normal work projects shall be at a mutually agreed place and in the following manner:
- The CDF camp office submits to the Department each evening a crew list which contains the names and identification numbers of the inmates, the name of the crew foreman, and the location of the projects for the following day's crew assignment.
- Employees of each cooperating agency shall count the inmates onto the conveyance taking them to work, or as a group of workers if they walk to the project. Cooperating agency personnel maintain custody of inmates until returned to the custody of the Department.
- Custody cannot be transferred unless the inmate is physically present at the time of transfer.
- The Department supplies the cooperating agency with a picture of each inmate assigned to the camp and shall furnish the agency crew foreman with a picture of each inmate assigned under their supervision.
- Normally, inmate crews shall not be divided to allow a portion of the crew to work under the supervision of a person not employed by a cooperating agency or the Department. Under some circumstances this may be allowed but only when specifically authorized by the cooperating agency staff person or correctional employee in command.
- Inmate crews may be assigned under supervision of employees of agencies other than the CDF, LAC, and Department only after the specific employees have been instructed in the supervision of inmates.

51130.15 Discipline
Department employees administer inmate discipline in Conservation Camps. The disciplinary process is governed by the provision of the CCRs.

51130.15.1 Disciplinary Hearings
The Camp Commander of a Conservation Camp shall consider and take action on all disciplinary infractions that occur in the operation of the camp. Serious violations may be referred to the Chief Disciplinary Officer of the parent facility. (Serious violations for female inmates may be referred to the Chief Disciplinary Officer at the appropriate female facility.)
The Camp Commander may receive assistance from the Division Chief or a department head of other cooperating agencies or their designated representative in the hearing of these disciplinary matters. Correctional Counselors assigned to the camps may also participate in the hearings.

51130.16 Firearms – Camp Equipment
Each Conservation Camp shall have an appropriate number of revolvers and related equipment. These weapons shall be carried by Department personnel in the pursuit of escapes and walkaways. Arrangements shall be made by the Camp Commander to store these weapons outside the confines of the camp.

51130.16.1 Firearms – Outside Agencies
PC 4574 specifically prohibits the bringing into any State facility, Conservation Camp, or place where prisoners of the State are located any firearms or deadly weapons. It is recognized that certain peace officers and others who may use firearms in their assignments will find it necessary to enter a Conservation Camp. Every possible effort shall be made to advise these persons to store their weapons before entering the camp. When this is not feasible or practical, these weapons shall be stored in a secure location.

51130.17 Incident and Escape Plans
The incident plan (refer to DOM 51030) and escape plan (refer to DOM 55040) are maintained on file in the Camp Commander’s office. The Camp Commander carries out the mandates of the incident and escape plan and submits the necessary reports. Two copies of a report covering escapes and/or incidents which occur in the Conservation Camp Program, and especially in those cases in which a CDF employee is involved, shall be forwarded to the Regional Chief of the district in which the camp is located. This affords CDF an opportunity to keep fully informed and take proper action with regard to its employees. Likewise, department heads of other cooperating agencies shall be informed regarding incidents and/or escapes involving their personnel.

51130.18 Fire Protection Plan
The Camp Commander and the Division Chief or the department head of other agencies mutually develop and maintain a plan for the prevention and suppression of fires in camp. Included in the plan shall be a trained crew to operate the camp security fire truck in the event of an in-camp fire.

51130.18.1 Fire Drills
The Department and cooperating agency personnel shall be integrated into an overall campfire plan and each shall be sufficiently trained to activate and head the entire fire protection plan. Fire drills shall be conducted at least once a month and recorded in the Camp Register.

51130.18.2 Inspections
The cooperating agency person in charge and the Camp Commander shall make monthly inspections of the entire camp area for the purpose of determining the adequacy of fire protection measures and equipment provided and to note conditions which might constitute a fire or safety hazard. All such inspections shall be recorded in the Camp Register. Steps shall be taken immediately to eliminate fire and safety hazards.

51130.18.3 Vehicles
Vehicles specifically assigned as “in-camp fire protection units” shall be accessible and equipped to be readily operable by any individual authorized and trained in the campfire protection plan.

51130.19 Transportation of Inmates
The transportation of inmates to and from work projects, fires, emergency projects, the conservation centers, and/or other facilities of the Department shall be in vehicles properly equipped to provide safety and comfort in accordance with applicable safety, VC provisions and CCR 3443 and 3444.

51130.19.1 Airplane Transportation
Inmates may also be transported by airplane or helicopter, providing that such inmates are not taken outside the State of California.

51130.19.2 Transportation Across State Lines
Inmates may be transported across the California-Nevada State line when traveling from one facility of the Department to another (emergency fire camps are considered to be a facility of the Department) when necessary and are subject to all California laws while being transported. Inmates shall be accompanied by a Department officer. (Reference: PC 5080 and the provisions of Nevada Revised Statutes, Chapter 212.10.)
- During declared fire emergencies, the Director may allow the Director of the CDF to use inmates for fire suppression efforts outside of the boundaries of California, not to exceed a distance in excess of 25 miles from the California border, along the borders of Oregon, Nevada, or Arizona.

51130.20 Vehicle Operation
The operation of vehicles by inmates and conveyance of inmates are governed by the CCRs. All vehicles transporting inmates shall be equipped
and operated to comply with the VC. Inmates may operate vehicles in camp with the prior approval of the Camp Commander. Only personnel having a valid driver’s license of the appropriate class shall operate State vehicles.

51130.20.1 Parked Vehicles

All parked vehicles, except in-camp fire protection vehicles, shall be locked with the switch key removed. At fire camps or on fire lines, the keys shall remain in the vehicles. Duty correctional personnel shall inspect all parked vehicles for compliance with the above rules.

51130.20.2 Vehicle Request

Department employees may request the use of a cooperating agency vehicle when use is economical to the State or for an emergency.

51130.21 Feeding

The Department operates a feeding program that assures the inmates an adequate diet.

This is accomplished by establishing a food control program based upon a ration of each food item sufficient in quantity to maintain an adequate diet and assure a menu pattern which is acceptable to the inmate population. By controlling the quantity of food available, inmates are continually assured an acceptable diet regardless of the cost for the food. This practice shall eliminate the scarcity of food items caused by a sudden increase in price of a particular food item.

The Camp Commander of each camp directs the operation of the food service program. This includes the preparation of menus, requisitioning of food and other supplies, and receiving and storing the items. The Camp Commander shall study, and have immediate knowledge of, the food ration and the implementation problems. (Refer to DOM 54080.) The Camp Commander shall receive technical assistance from the Food Manager of the facility and Supervising Cook assigned to the camp program.

- Nutmeg, yeast, mace, or any food item which could be considered dangerous in the inmate population are kept under lock and key by the Camp Commander. The Camp Commander shall provide these items to the inmate cook and/or baker on an as-needed basis.
- Camp fire crews returning at odd hours from a fire and other camp fire fighting crews using the camp as a staging area are to be fed a fire ration meal. The Camp Commander shall be notified at least three hours in advance if possible after the decision has been made to use the camp facilities. Authorization for fire meal reimbursement from cooperating agency shall be accomplished at the time of service.
- A complete inspection of the culinary department shall be made daily. The cleanliness of the kitchen and dining room is of vital importance to the welfare, health, morale, and success of each camp. The Camp Commander or designee shall assure that food preparation inmates use good personal hygiene and are well groomed and properly clothed (including head covering).

51130.22 Clothing

Updated February 2, 2011

A clothing ration has been established to properly clothe each inmate in the camp program. Inmate clothing shall be restricted to the items listed in DOM 54060.

- Special clothing items required for special assignments and emergency laundry services may be purchased by the Camp Commander.

51130.23 Parole Release Procedure

The policy and procedures contained in CCR and DOM 74070 shall guide the Camp Commander in releasing inmates from camp. The Camp Commander may delegate the prerelease duty to the Sergeant or Officer.

51130.24 Public Information

The public information section (DOM 13010) and the CCRs shall govern the Camp Commander’s action in this area. The Camp Commander shall develop a public information and community relations policy and submit it to the Warden for approval. There shall be no deviation from the approved policy, except by permission of the Warden.

- It is mutually beneficial for camp inmates to receive positive publicity for their work efforts. The Camp Commander shall join the cooperating agency in fostering positive inmate publicity.

51130.25 Community Services

Conservation Camps have always made special efforts to be good neighbors and to support local community needs. This “good neighbor policy” shall be pursued within the guidelines of the CCRs.

51130.25.1 Inmate Blood Donations

Wardens of facilities administering camps may permit the inmates to donate blood to the American Red Cross, the armed services, local blood banks, or other legitimate charitable purposes. Such drives may be permitted under the supervision of their authorized representative.

51130.25.2 Fund – Raising Campaigns

Camp inmates may participate in fund-raising campaigns in accordance with provisions of DOM 101080.

51130.25.3 Toy Repair

Inmates may donate as much of their free time as they wish, commensurate with their daily assignments, to the repair of toys for orphans or other needy children.

Materials and equipment needed to perform this service shall be from a source other than State issue. Inmates shall not supply personal material or equipment for toy repair service.

51130.25.4 Local Sports

Each camp able to provide inmate athletic competition is encouraged to engage local teams. Games shall be played on the camp recreation field only and are subject to DOM 101040.

51130.25.5 Arts and Crafts Exhibits

Camp inmates may exhibit arts and crafts work at local gatherings, fairs, and other community functions. Such exhibits are subject to the CCR, DOM 101050, and PC 5006.

51130.26 Medical/Dental Procedures

The CCRs and DOM Chapter 9 shall govern medical and dental services in camps. The Camp Commander shall make arrangements with a local physician(s) and dentist(s) to perform emergency care. Inmates in need of major non-emergency medical or dental treatment shall be returned to the appropriate facility.

51130.26.1 Medical/Dental Emergencies in Camp

Ambulance service and treatment for seriously ill or injured inmates shall be arranged by the Camp Commander at a local nearby hospital. The Camp Commander shall advise the CMO or Medical Officer-of-the-Day at the parent facility. Serious health emergencies shall be reported, as are other emergencies.

51130.26.2 Emergency Under Supervision of Contracting Agency

If an inmate becomes seriously ill or is seriously injured while under the supervision of a cooperating agency, the Fire Captain or other appropriate department head shall immediately notify the Camp Commander so that immediate steps may be taken to care for the inmate. The Fire Captain shall complete a CDC Form 620, Inmate Accident Report, and submit it to the Department.

Sufficient supplies of CDC Form 620 shall be maintained by the Department and supplied to the cooperating agencies to comply with this directive.

51130.26.3 Injury While on Fire Suppression

Inmates who become disabled resulting from injuries received while engaged in fire suppression activities may be eligible to receive benefits as prescribed in LC 3365 and 4458. Within one work day of their injury or within one work day after staff became informed of their injury, inmates shall be provided with a SCIF Form 3301. Injuries suffered by inmates shall be reported on copies of SCIF Form 3067, Employee’s Claim For Worker’s Compensation Benefits, without delay. The Department and the cooperating agency shall cooperate in providing the proper reports to cover the details of the injury.

51130.26.4 Death

If an apparent death of an inmate occurs during their assignment away from the Conservation Camp, the Camp Commander shall contact the nearest physician for medical assistance. If the inmate is pronounced dead by the physician, the coroner shall be notified before the body is moved and the coroner’s instructions shall be followed. The Warden of the parent facility shall be notified and further instructions requested. After the release of the body by the coroner and further instructions from the Warden, the body shall be turned over to a licensed undertaker nearest the community where the death occurred (in accordance with DOM 51070).

- A complete incident report shall be submitted to the Warden of the appropriate facility without delay.

51130.26.5 Medical Supplies

Medical supplies shall be prescribed and approved by the CMO for use by Department personnel in administering routine medications and minor first aid to inmates in the camp.
• A standard first aid application book shall be kept in the Camp Commander’s office. All camp employees are required to complete a basic course in first aid and cardiac pulmonary resuscitation.

51130.26.6 Medical/Sanitation Inspections
The appropriate facility CMO shall inspect each camp at least once each year for sanitation and proper sanitation practices. The Camp Commander may request additional inspections as needed.

51130.27 Inmate Wages
To maintain uniform pay scales for inmates assigned to the Conservation Camps, the following standards have been established:

• The Camp Commander shall assure accuracy of inmate payrolls and establish auditing procedures to ensure inmates are paid according to their length of service, performance, and assignment.

51130.27.1 Pay Committee
Each camp has an in-camp pay committee. The committee determines the promotion and/or demotion of inmates in the various pay grades. This committee shall administer the monthly pay allocations and stay within the prescribed limits for their camp. This monthly pay allocation is provided by the parent facility, usually at the beginning of each fiscal year.

• The committee is composed of the following camp personnel, or in their absence, the designated representatives of each department:
  • Camp Commander or their assistant.
  • Cooperating agency person in charge.

• The committee shall meet as necessary to consider the recommendations of both departments. The Department employee in charge shall maintain adequate records.

51130.27.2 Pay Period
The pay period is based on the calendar month and inmates are compensated for each day’s work within the month. The standard project workweek is five eight-hour days, Monday through Friday, with Saturdays, Sundays, and approved holidays off.

• Inmates shall be paid for emergency work on an hourly basis. This pay commences at the time of dispatch to the emergency and continues until the inmate has returned to their camp. (Refer to PC2782 and PC 2785.)

51130.27.3 Pay Schedules
The specific rate per hour is established by the Department.

• Grade I – $1.45 per day:
  • The majority of camp inmates shall be assigned to this grade.

• Grade II – $1.67 per day:
  • Skilled and experienced grade workers and a selected number of in-camp inmates shall be assigned to this grade.

• Grade III – $1.95 per day:
  • A limited number of skilled inmates who have been given special assignments shall be included at this level.

• Grade IV – $2.56 per day:
  • This pay grade is reserved for a very limited number of highly-skilled journeyman level inmates.

• Grade V – $3.90 per day:
  • Two positions in each outlying camp are designated for the first cook at this pay grade.

• Emergency Fire Fighter – $1.00 hourly:
  • Reimbursed by the State Emergency Fund.

51130.27.4 Reimbursement by Cooperating Agency
The procedure for the cooperating agency to report inmate emergency time for reimbursement and payment of inmates shall be on appropriate forms as prescribed by the parent facility.

• The Department shall invoice the cooperating agency within 60 days of each event based upon the actual expenditures for inmate and camp employee pay for fire overtime.

51130.28 Emergency Crews Work Assignment
The CDF Regional Chief shall inform the Camp Division Chief of the procedure for dispatching Conservation Camp crews to all emergency activities. Dispatching of crews shall be in accordance with existing State, Region, and Ranger Unit procedures. When calls are received dispatching inmate crews from camp, or off regular work projects to emergency fire duty, the information shall be shared immediately with the Camp Commander, or the Department person in charge, to permit that person to determine custodial coverage by the Department. To the extent possible, the information passed on shall include the time of the dispatch call, destination, and any other pertinent information. The “home camp staff” shall be advised of crew location changes through appropriate dispatch channels.

51130.28.1 In Camp
When the crews are in camp, the Department shall assemble the crews and employees of both agencies and count the inmates onto the trucks or buses. At that time, the cooperating agency takes custody of the inmates. Should a Department employee accompany, custody of the inmates is a mutual responsibility.

51130.28.2 Completion of Assignment
Upon completion of the emergency assignment, all trucks and buses shall be thoroughly searched prior to leaving the emergency camp by both the Department and the cooperating agency.

Under no circumstances shall emergency camp equipment or supplies, except for properly secured lunches and other items normally carried, be allowed on the vehicle.

51130.29 Emergency Fire Camp
Fire control and suppression are a major part of the Conservation Camp Program. When a fire is in progress and of such proportions to require a supporting emergency fire camp, the cooperating agency shall have a prescribed organization that operates the camp and directs suppression activities.

51130.29.1 Organization in Fire Camp
The following organization guidelines are established to cover the Department’s employee participation in the emergency fire camp organization:

• Appropriate camp Captain shall appoint a Department Agency Representative. The Department Agency Representative shall report to the Captain in all matters pertaining to the custody, safety, well-being, department, and support of the inmates regardless of the origin of the crews.

• The Department Agency Representative shall maintain contact with the cooperating agency fire camp operation through their Inmate Crew Coordinator.

• The Department Agency Representative shall coordinate all Department operations, assign Department employees to supervise various in-camp functions and other security assignments as jointly determined by the participating agencies, and shall act as the Department’s PIO working with Fire Information Officers.

• Typical examples of assignment areas which may be given by the Department Agency Representative are as follows:
  • Emergency transportation.
  • Bedding area.
  • Kitchen area.
  • Motor pool area.
  • Security patrol.

51130.30 Fire Bag
Each inmate shall be issued a fire bag (supplied by the cooperating agency) including the clothing items listed below (supplied by the Department) and shall be maintained in a clean and orderly manner for use by the inmate when on extended fire suppression assignment in emergency fire camps:

• Men
  • 3 undershirts.
  • 3 shirts.
  • 2 towels.
  • 2 handkerchiefs.
  • 3 pair undershorts.
  • 3 pair jeans.
  • 4 pair socks.
  • 2 belts.

• Women
  • 3 undershirts.
  • 3 brassieres (cotton, no metal stays).
  • 3 shirts.
  • 2 towels.
51130.31 Use of Inmate Community Work Crews for Emergency Support Activities

On large forest fires requiring additional non-fire suppression support crews, the Department shall supply, if available, inmate Community Work Crews directly from its facilities. It is understood that inmate Community Work Crews available for non-fire suppression support shall be utilized by either the CDF or other forest protection agencies which have entered into an agreement with the Department. It is further understood that:

- To avoid confusion in dispatching, all requests for inmate Community Work Crews shall be directed to the Department Conservation Camp Coordinator in Sacramento.
- No request for inmate Community Work Crews shall be made by a cooperating agency without careful prior consideration being given as to whether regularly established Conservation Camps are being utilized to the fullest extent possible.
- Transportation from the facilities or other correctional establishments to the fire support work site, provided by the Department or the cooperating agency, shall be by bus or other conveyance equipped with seats for all inmates to be transported, and all safety laws and regulations shall be observed in such transportation.
- If the Department does not have transportation available, CDF shall furnish transportation to and from the facilities.

51130.31.1 Contracting Agency Responsibilities

Notwithstanding Public Resources Code Section 4155, CDF shall supply and prepare sufficient food and blankets (for sleeping purposes) and reimburse the Department for all direct and indirect costs associated with the preparation, dispatch, care, custody, and clothing of inmates in order to make them available to CDF for such assignments.

51130.31.2 Cash Reimbursement

Reimbursement for costs borne by the Department shall include:

- The payment of emergency overtime hourly rate per inmate as agreed between cooperating agency and the Department. Such payment shall include:
  - The time traveled to and from the fire.
  - From the facility.
  - All work time and off-duty time between work periods on or near the fire.
- All Department employees’ payroll costs in connection with a specific fire. This includes, but is not limited to, the following:
  - Custodial coverage.
  - Transportation.
  - Employees’ time for supervision and administration, delivering supplies, transporting sick or injured inmates.
  - Disciplinary problems with inmates.
  - Preparing and serving meals to inmates leaving for or returning from fires at irregular hours.
  - Employees’ standby time when called in to prepare fire crews for dispatch and the standby is subsequently canceled.
- All invoices submitted to the cooperating agency by the Department for activities contemplated hereunder shall be computed in accordance with the SAM 8760. Invoices shall be submitted to the cooperating agency in the district for which services were performed on a specific individual fire basis, in a form agreed to by the cooperating agency and the Department, and shall be submitted within 60 days of the cessation of activities contemplated hereunder.

51130.32 Emergency Use of Department’s Fire Apparatus

CDF may furnish to a cooperating agency fire apparatus that is under its control and possession when the request originates with the cooperating agency for fire suppression on “State responsibility lands” and contractual fire protection.

51130.32.1 Staffing of Equipment

The Department shall furnish a qualified employee (fire suppression-trained) to drive every truck furnished and shall furnish two fire-trained inmates or two trained employees to serve as crew persons on each fire truck.

51130.32.2 Reimbursement to Department for Use of Fire Apparatus

CDF shall reimburse the Department for costs of all employees and inmates furnished in accordance with the following rates and conditions:

- Pay rate to commence at the time the apparatus leaves the facility and stop upon its return thereto.
- Payment shall include the travel time to and from the fire from the facility and all work time.
- A CDC employee assigned to the fire apparatus shall maintain timekeeping records for the employees and inmates. The employee shall have the cooperating agency fire unit official certify the accuracy of this timekeeping before leaving the fire area.
- Hourly rate for employee and inmate labor shall be paid to CDF at the termination of the emergency assistance, upon receipt of invoices certified by the Warden or by the authorized representative of the facility concerned.

51130.32.3 Gasoline

CDF shall furnish gasoline, when available, for trucks furnished and operating in the fire area.

51130.32.4 Loss or Damage

The cooperating agency shall not be held liable to CDF for any loss or damage to equipment or apparatus furnished.

51130.33 Revisions

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this article are kept current and accurate.

51130.34 Reference

Revised February 2, 2011

PC §§ 2701, 2780, 2781, 2782, 2785, 2787, 2788, 2792, 4754, 5080, and 6200 through 6208.

CCR (15) (3) §§ 3266, 3294, 3294.1, 3294.2, 3295, and 3380(a).

SAM § 8760.

PRC § 4155.

LC §§ 3365 and 4458.

Nevada Revised Statutes Chapter 212.10.

DOM §§ 13010, 51030, 52020, 53070, 53110, 54060, 54080, 55040, and 74070.

ARTICLE 15 — CONTROLLED SUBSTANCES

Revised January 5, 2016

52010.1 Policy

The California Code of Regulations (CCR) includes a disciplinary process and evidence control system for controlled substance-related offenses by inmates. The CCR also prohibits employees and visitors from being under the influence of, or possessing alcohol or controlled substances while on Department owned/controlled property. Exception: staff and adult guests residing in employee housing are authorized to maintain and consume alcoholic beverages within those residences, in accordance with local institutional policies and procedures.

Each Warden and Regional Parole Administrator (RPA) shall ensure that procedures for preventing the introduction of controlled substances and alcohol into their jurisdiction are in place and enforced.

Each Warden and RPA shall ensure that any controlled substance that is confiscated in their jurisdiction is recorded, stored, tested, and disposed of in accordance with applicable laws.

52010.2 Purpose

This section establishes standard procedures for recording, storing, field testing, and the disposal of controlled substances. This section also establishes a procedure to ensure that all urine samples obtained from inmates for laboratory analysis are collected and processed in a uniform method which consistently maintains the approved chain of evidence.

52010.2.1 Goal Statement

The CDCR utilizes a variety of methods for testing inmates and parolees to detect the use of controlled substances and alcohol, and responds to positive tests with sanctions and/or interventions. The purpose of the testing,
sanctions, and interventions are to reduce drug use, to hold individuals accountable for their actions, to provide opportunities for long-term recovery from addiction, and to increase institutional security and public safety. All CDCR inmates and parolees are subject to testing. All confirmed positive tests shall result in sanctions and/or intervention.

52010.3 Definitions

Controlled Substance means any substance, drug, narcotic, opiate, hallucinogen, depressant or stimulant as defined by Health and Safety Code (H&SC) section 11007. Also included are prescribed medications containing any of the substances identified in H&SC section 11007.

Controlled Medication

Controlled Medication means any drug which is prescribed by a physician and is given to a patient in controlled dosages.

Distribution/Distributing

Distribution/Distributing means the sale or unlawful disbursing, by an inmate or parolee, of any controlled substance, or the solicitation of, or conspiring with others in arranging for, the introduction of controlled substances into any CDCR institution, camp, contract health facility, or community correctional facility for the purpose of sales or distribution.

Laboratory

Laboratory means any toxicological or criminalistic laboratory which has been recognized by the state; other certifying agency, or which is accepted by any local, county, or state prosecuting authority to provide evidence as to the presence of controlled substances in human body fluids or confirm that a substance is or contains a controlled substance.

52010.4 Description of offenses

Possession, Distribution of Controlled Substances or Controlled Medications

Inmates are prohibited from possessing, injecting, ingesting, or otherwise introducing into their body any controlled substance, controlled medication, or intoxicant while incarcerated or under the supervision of CDCR without specific authorization to do so from a licensed CDCR or contract physician or psychiatrist. Inmates are prohibited from distributing, exchanging, soliciting, or arranging for the introduction of controlled substances or controlled medications into any CDCR institution/facility. Visitors are prohibited from possessing or being under the influence of any intoxicant or controlled substance while on or within CDCR owned or controlled property.

Under the Influence of Controlled Substance or Intoxicants

Inmates are prohibited from being under the influence of alcohol, controlled substances, or other intoxicant not defined as a controlled substance, in any CDCR institution/facility.

Refusing to Provide a Urine Specimen

Inmates may not refuse to provide an adequate urine sample for the purpose of testing for the presence of controlled substance(s) when lawfully ordered to do so. If an inmate is unable to provide a urine sample, the inmate shall be offered eight ounces of water to assist in providing a urine sample. The inmate shall also be allowed up to three hours, under staff observation, to provide a urine sample. Inmates who refuse or are unable to provide a urine sample shall be subject to disciplinary action in accordance with CCR 3323(h)(5). If an inmate is unable to provide 20 cc of urine, within this time period, this shall be presumed a refusal. An inmate may rebut this presumption during the disciplinary process.

52010.5 Testing of Controlled Substances

The department shall prescribe the products, equipment, and methods for testing suspected controlled substances or for the use of alcohol. “Field” or on-site testing shall be conducted by trained personnel only.

52010.6 Basis for Field Test

Field tests may be performed on any suspected substance found on institution property or in the possession or under the control of any inmate, or in the possession or under the control of persons other than inmates who come on institution property. Field tests of urine samples may be performed as a screening process prior to laboratory testing. A sobriety test shall be conducted when there is reasonable suspicion the inmate may be under the influence of a controlled substance or alcohol.

52010.7 Field Testing Methods and Systems

All narcotic field test kits/systems shall be approved by the California Department of Corrections and Rehabilitation. Approved departmental testing methods are as follows:

Field or On-Site Testing – The testing of confiscated suspected controlled substances.

Drug or Urine Testing – The securing of a urine sample from inmates for the purpose of testing for the presence of controlled substances or for the use of alcohol that the inmate has ingested, inhaled or injected into their body.

- Sobriety Testing – The testing of physical indicators such as slurred speech, dilated pupils, or impaired mobility which would indicate that the inmate is under the influence of a controlled substance or alcohol.

52010.8 Substances to be Recorded

Records shall be maintained which document seizures of all controlled substances listed in H&SC 11054, 11055, 11056, 11057, or 11058, and substances confirmed to be controlled medication.

52010.9 Recording of Confiscated Controlled Substances

The seizure of any controlled substance or medication shall be documented in an evidence log book to be maintained by each institution/facility. The documentation shall include the CDCR number and name of each inmate from whom controlled substances are confiscated; the name, title, address, and identification number of any other person(s) from whom controlled substances are confiscated; the type of substance(s) that were confiscated; the amount (by volume or weight) of each substance that was confiscated; the place where the substance(s) is to be stored; the disposition of each substance, and whether or not the substance is being held as evidence for prosecution purposes.

52010.10 Controlled Medication

Inmates shall not possess controlled medication in quantities exceeding the dosage specifically authorized by the institution’s/facility’s health care staff, nor may an inmate possess controlled medication prescribed to another inmate.

Identification of Controlled Medication

The identification of intact controlled medication may be confirmed by a licensed pharmacist and that confirmation may be used as evidence in a disciplinary hearing.

52010.11 Drug and Alcohol Paraphernalia

Inmates shall not use or possess any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming into the human body a controlled substance as identified in H&SC section 11014 or for the fermentation or distillation of alcohol.

52010.12 Causes for Urinalysis Testing

The securing of a urine sample from an inmate, for the purpose of testing for the presence of controlled substances or for the use of alcohol may be done for the following reasons: for the following reasons:

- Random Selection – When mandatory random testing is known to the inmate to be a condition for the inmate’s participation in a specific program, assignment, or activity.
- Suspect – When there is reasonable suspicion to believe the inmate has possessed, distributed, used, or is under the influence of a controlled substance or alcohol.
- Mandatory Random Drug Testing (MRDT) – As part of an authorized disposition of a disciplinary hearing pursuant to CCR 3315(f)(4)(D).
- Mandatory Random Urinalysis Program – The inmate is selected by the department’s mandatory standardized random drug testing selection process, in where, a small percentage of inmates are randomly selected at predetermined regular intervals (e.g., daily, weekly) from a data file produced from the department’s Strategic Offender Management System.

52010.13 Random Selection Method

Random testing shall be conducted a minimum of four days per week. Random selection shall be made by a computer program which assures the random nature of the selection. Inmates shall be tested each time they are selected, regardless of the recency of the inmates’ last test. Inmates shall not be subject to additional disciplinary action for a positive test if that positive test is cumulative evidence of a previously charged disciplinary action.

52010.14 Random Selection Frequencies

To determine the inmates to be tested on each day of testing, the CDCR numbers of the population subject to testing are entered into the computer program, and the program is adjusted to produce a selection equal to the percentage of the population to be tested on that day, according to the reason for the random selection, as follows:
Evidence Based Substance Abuse Treatment Program Population
Inmates in institutional programs providing substance abuse treatment are subject to random testing at a frequency of not less than ten percent of the institution's substance abuse program population per week.

Mandatory Random Drug Testing Population
Inmates subject to MRDT as described in DOM 52010.12 are subject to random testing according to the following frequencies:
First Offense – A frequency of 25 percent of the institution’s MRDT population per week. Any inmate not randomly selected during the first three weeks of each month shall be tested during the fourth week.
Second Offense – A frequency of 50 percent of the institution’s MRDT population per week. Any inmate not randomly selected during any week shall be tested the following week.
Third and Subsequent Offenses – A frequency of 100 percent of the institution’s MRDT population per week. All inmates shall be tested no later than the last testing day of each week.

52010.15 Mandatory Random Drug Testing
Inmates found guilty of a rule violation related to the use, possession, sale, distribution, or introduction of controlled substances, drugs, or drug paraphernalia; or refusal to submit to a test for controlled substances or drugs shall be placed on the institution’s MRDT list.
The institution Drug Testing Coordinator (DTC) shall establish and maintain the MRDT list and schedule.
Inmates placed on MRDT shall be subject to MRDT in accordance with CCR 3315(f)(4)(D).
The hearing official shall document the testing requirements on a CDCR Form 1879, Notice of Mandatory Random Drug Testing Requirements. The original document shall be scanned into the inmate’s Electronic Records Management Systems file and a copy maintained by the DTC.
If the inmate transfers prior to completion of the MRDT period, the receiving institution shall impose the remaining MRDT period upon classification review.

52010.16 Drug Testing Coordinator
Each institution shall designate a DTC at the rank of sergeant or above. The DTC is responsible for:
- Monitoring the procedural operation of this section.
- Ensuring inmates found guilty in a disciplinary hearing of a drug-related offense are placed on the institutional MRDT list.
- Ensuring inmates placed on the MRDT list are tested in accordance with CCR 3315(f)(4)(D).
- Approving and reviewing the accuracy of the MRDT list prior to testing.
- Reviewing all drug testing logs for accuracy and completeness.
- Ensuring all staff involved in the drug testing process are properly trained.
- Ensuring that the institution maintains a sufficient stock of sample bottles, lids, and labels.

52010.17 Staff Requirements/Urine Sample Collection
Only staff properly trained and certified in the collection and processing of urinalysis samples shall be involved with the urine testing process.
- Staff observing the collection of the urine sample shall be of the same gender as the inmate being tested.

52010.18 Urine Sample Collection Procedures
The securing of a urine sample from an inmate for the purpose of testing for the presence of controlled substances or for the use of alcohol shall be conducted in accordance with CCR 3290(c).

When collecting the urine sample, staff shall ensure that reasonable security is maintained, consideration is given to the privacy of the inmate, and the test is conducted in a sanitary manner.

All urine collection shall be conducted in an area designated by the Institution Head.

Pre-Collection Duties
The following functions shall be completed prior to the collection of the urine sample(s):
- Prior to the test, staff shall conduct a thorough search of the area used to obtain the urine sample before the inmate enters the area. All potential contaminants shall be removed prior to the collection of the urine sample.
- Establish positive identification of the inmate by picture identification card.
- Ensure the inmate providing the sample removes any unnecessary garments or personal property and leaves these items outside the collection area.
- The staff member collecting the urine sample shall inform the inmate of the reason(s) for requesting the urine sample. The inmate shall also be informed a refusal to provide a urine sample shall result in disciplinary action.
- An inmate claiming the urine test may be affected by a prescription medication shall be offered a CDCCR 7385, Authorization for Release of Protected Health Information form, in order for staff to obtain a copy of his/her Medication Administration Record (MAR) for later review under section 52010.23. The inmate will still be required to provide a urine sample.

Collection of Urine Sample
Staff shall adhere to the following process during the collection of urine sample:
- The sample collection shall be conducted in a sanitary setting, using universal precautions.
- The staff member shall wear disposable gloves during the urine sample collection process.
- The inmate shall be provided disposable gloves during the urine collection process and have access to clean running water after the urine sample collection is complete.
- Utilize only sample bottles, lids, and labels provided by the current contract laboratory.
- Clearly observe the flow of urine into the bottle.
- Ensure the inmate(s) provide at least 20 cc of urine (two-thirds of sample bottle) in order to adequately accomplish the required laboratory test.
- After filling the sample bottle, the inmate will be instructed to secure the bottle, rinse the outside of the bottle with cold tap water, and then hand the secured sample bottle to the collecting staff member.
- The staff member shall place the completed label on the sample bottle.
- Place a security seal on the bottle.
- The urine sample shall be processed in accordance with institutional procedures, which maintain the chain of custody of the sample. Staff shall adhere with the contract laboratory procedures when collecting, packaging, and storing urine samples.
- If the inmate is unable to provide a urine sample, the inmate shall be offered eight ounces of water to assist in providing a urine sample. The inmate shall also be allowed up to three hours, under staff observation, to provide a urine sample.
- Inmates who refuse or are unable to provide a urine sample shall be subject to disciplinary action in accordance with CCR 3323(h)(5). If an inmate is unable to provide 20 cc of urine, within this time period, this shall be presumed a refusal. An inmate may rebut this presumption during the disciplinary process.
- Reasonable accommodation shall be afforded to inmates with disabilities to facilitate their full participation in drug and/or alcohol testing as provided in these rules.
- Gloves used during the urine collection process shall be disposed of according to institutional procedures.

52010.19 Urine Sample Test Records
Records of all urinalysis results shall be maintained in the institution’s urinalysis logbook. The MRDT list shall be considered confidential and released to staff on an “as needed” basis only. Test results shall be logged, maintained, and processed by designated staff.

52010.20 Refusal to Produce a Urine Sample
If the inmate is unable to provide a urine sample, the inmate shall be offered eight ounces of water to assist in providing a urine sample. The inmate shall also be allowed up to three hours, under staff observation, to provide a urine sample. Inmates who refuse or are unable to provide a urine sample shall be subject to disciplinary action in accordance with CCR 3323(h)(5). If an inmate is unable to provide 20 cc of urine, within this time period, this shall be presumed a refusal. An inmate may rebut this presumption during the disciplinary process.
52010.21 Types of Urinalysis Requests
Staff shall request a Basic Drug Panel analysis of the urine sample unless the inmate’s behavior provides reasonable suspicion of other drug use. The Basic Drug Panel will detect the presence of the following substances:

Basic Drug Panel:
- Alcohol.
- Barbiturates (short and long acting).
- Amphetamines.
- Cannabinoids
- Cocaine.
- Codeine.
- Methamphetamines.
- Opiates Morphone (Heroin).
- Phencyclidine (PCP).

Additional urinalysis may be specifically requested to detect the use of the following substances:
- Synthetic Tetrahydrocannabinol (Spice).

The Basic Drug Panel analysis will be conducted on each sample submitted to the laboratory.

52010.22 Urine Sample Storage and Transfer
To ensure that the integrity of the sample is not compromised, the chain of custody must be maintained during processing and storage of the samples. Each institution/facility must maintain a secure box for the storage of test samples. Only designated staff shall have access to the urinalysis lock box keys. Upon completion of the test, the staff member conducting the test shall secure the sample in the urinalysis lock box.

A urinalysis logbook shall be maintained at each institution, which shall include the inmate’s name, CDCR number, date of test and chain of custody of the sample. Only designated staff shall remove the samples from the urinalysis lock box, and forward the samples to the laboratory for analysis. The date the sample was removed, the name of the staff member who removed the sample, and the date the sample was sent to the laboratory shall be entered into the institution’s urinalysis logbook.

Staff must ensure the samples are processed in accordance with the laboratory contract.

52010.23 Processing and Documentation of Tests Results
The date that any positive test results are received by the institution/facility shall represent the date of discovery for disciplinary action. Upon receipt of the laboratory test results, the results shall be logged in the institution’s urinalysis logbook. The DTC shall notify and forward a copy of the laboratory results to the institution’s urinalysis logbook.

The date that any positive test results are received by the institution/facility shall represent the date of discovery for disciplinary action. The date the sample was sent to the laboratory shall be entered into the institution’s urinalysis logbook.

52010.24 Destruction of Controlled Substances
The evidence custodian shall coordinate with a representative from the local police, sheriff's department, or State DOJ to participate in a scheduled destruction of controlled substances.
Central Control. Exception: Emergency medical transports to outside facilities shall not be delayed for the purpose of the count. The staff member escorting the inmate shall confirm with control the inmate’s name, CDC number, and housing.

The Strategic Offender Management System (SOMS) automated count process shall be used to:
- Submit tentative out count rosters to Central Control.
- Submit actual positive count totals to Central Control.
- Submit actual negative count totals to Central Control.
- Compile, record, reconcile, clear, and document all Institution counts.
- Print Shift Count Packages for the Central Control Sergeant’s and the Watch Commander’s signatures.

Individual count totals conveyed to Central Control shall correspond with Central Control’s Master Count Record.

52020.4.1 Frequency of Counts
The frequency of institution/facility counts shall be determined by the Standard Count Schedule. All institutions/facilities shall make every effort to adhere to the Standard Count Schedule. This is based on the security needs of the individual institutions/facilities and custody designations of assigned inmates. Staff shall ensure that inmate activities are not scheduled to conflict with institution/facility counts.

<table>
<thead>
<tr>
<th>Standard Count Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandated Times</td>
</tr>
<tr>
<td>0030/0100</td>
</tr>
<tr>
<td>0230/0300</td>
</tr>
<tr>
<td>0430/0500</td>
</tr>
<tr>
<td>1100/1200*</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1600/1700</td>
</tr>
<tr>
<td>2100/2300</td>
</tr>
</tbody>
</table>

*This count does not include all inmates housed at the institution/facility; therefore, it is not inclusive of the four required counts.

52020.4.2 Method of Count
The count shall be performed by the physical observation of each inmate at his/her assigned housing unit or out counting of inmates at his/her specified work/activity location. Supervisors shall track inmates absent from their assignments. After the count is completed, it shall be entered in the Watch Commander’s Daily Activity Log.

52020.4.3 Camps’ Count Policy
There shall be at least four formal camp counts of all inmates in each 24-hour period.

Inmates shall be counted upon mounting and dismounting vehicles, and going to and returning from any place outside the camp or facility. Agency crew foremen shall make counts of inmates in their custody at frequent intervals, and shall count the inmates before leaving camp and upon returning to camp. Counts are required at least once during the morning, lunch time, between lunch, and the end of the work day, departure from the work area, and at other times recommended by the Camp Commander.

Emergency counts may be necessary at any time to determine if there has been an escape or to identify an escapee(s).

52020.5 Positive Count
A positive count is the actual number of inmates that each respective staff member has counted and reported to Central Control. (Note: A positive/physical count means to count a living, breathing person and physically see that person.)

The positive count shall be submitted to Central Control using the SOMS automated count process and is automatically populated with the date, time, and the name of the staff member who is logged into the SOMS application. The count total and name of the person who actually conducted the positive count must be entered at the time of submission. As directed by Central Control for the purpose of verifying unit positive counts, a vacant bed count may be requested.

If Central Control receives an incorrect positive count, a vacant bed count may be requested from the counting employee. Upon direction from Central Control to perform a vacant bed count, the officer performing the count shall start with the lowest numbered cell/bed in numerical order, writing down the numbers of each unoccupied bed. Upon completion, the officer shall utilize this list and provide the vacant bed count to Central Control via telephone. Central Control shall substantiate this information, ensure all inaccuracies are corrected, and direct the officer to submit a revised Positive Count into SOMS utilizing the IPTS085D – Re-Enter for Housing Area count screen.

52020.5.1 Standing Count
During the 1600/1700 count, inmates housed in cells shall stand upright at their cell door and shall remain standing until counted by the officer conducting the count.
- Inmates housed in dormitories equipped with double tier bunks shall remain seated on their assigned bunk until the count is completed by the officer.
- In dormitories equipped with triple tier bed/bunks, the inmate assigned to the top tier bunk shall be seated on the top bunk, and the inmates assigned to the bottom and middle tier bunks shall be seated on the fold out stools until the count is completed by the officer.

Disabled inmates shall be reasonably accommodated, dependent on their disability.

52020.5.2 Negative Count
The Negative Count is the actual accounting of all vacant (unoccupied) beds at a given time whether these beds are assigned or not.

Due to double/triple bunking of inmates, it is necessary to ensure that inmates do not interchange their assigned beds. Each institution/facility shall perform a Negative Count at least once each day.

A Negative Count is the recording of all unoccupied beds in a housing unit. These bed numbers shall be submitted via the SOMS automated process utilizing the IPTS015C – Negative Count Worksheet.

52020.5.3 Out Count
To maintain continuity of operations, some inmates may not always be counted in their assigned housing units. These inmates shall be “out counted” by their supervisors and shall remain under direct supervision until the count is cleared.

The SOMS automated count process shall be used to submit tentative out count rosters to Central Control.

When SOMS is not available or the institution’s/facility’s electrical power fails staff shall manually prepare tentative out count rosters and submit the rosters to Central Control.

The tentative out count roster that is submitted to Central Control shall include cell/bed number, inmate’s name and CDC number, and the area where the inmate(s) will be out counted. Staff out counting inmates shall submit their tentative out count roster in SOMS using the automated out count process.

52020.5.4 Close Custody Count
SOMS identifies all inmates designated as Close A custody, and compiles them into the Close Custody Count. The Close Custody Count shall be submitted to Central Control using the SOMS automated count process. Close custody counts shall be conducted utilizing a positive picture identification card to count all inmates classified as Close A custody. When inmates present themselves, staff shall ensure that inmates resemble their picture identification card. In accordance with CCR 3017, all inmates classified as Close A Custody are responsible for reporting to the established location(s) designated by each individual institution/facility.
- Close A Custody inmates shall be counted while they are on work assignments, on recreation time, in housing units, or involved in any other activity. Close A Custody counts shall be scheduled in conformity with DOM 52020.4.1.
- The Watch Commander shall be notified and a search shall be initiated when the Close A Custody Count is not cleared 15 minutes after the count has been announced. If the unaccounted for Close A Custody inmate(s) is not located within 15 minutes of initiation of the search, an emergency recall of all inmates may be instituted by the Watch Commander.

52020.5.5 Informal Count
An informal count is a physical count and positive identification of inmates who are present at their program/work assignments. Informal counts shall be conducted by all employees supervising inmates.

These informal counts shall be completed on an hourly basis. Any discrepancies shall be reported immediately. Informal counts shall be conducted to ensure inmates are present in their assigned areas, such as housing units, work centers, minimum support facilities, and community work crews.
52020.5.6 Emergency Count
An emergency count shall be conducted to establish whether an escape has occurred, or in the event of an obvious escape (inmate seen climbing security fence, dummy in cell, etc.), to determine the exact identity of the inmate(s) involved. During an emergency count, all inmates shall be returned to their assigned cells/beds.

During business hours, emergency counts shall be approved at a level not less than the Correctional Captain, or in the absence of the Correctional Captain, the Watch Commander. During non business hours, emergency counts shall be approved by the Watch Commander or highest ranking officer on duty.

52020.5.7 Picture Count
When a positive or negative count or recount does not clear, and the identity of the out-of-place or missing inmate(s) cannot be determined, a picture identification of all inmates shall be performed. Since an accurate comparison of each inmate against their inmate identification picture card is a prerequisite for the picture count, an up-to-date picture of all inmates shall be maintained on an inmate picture file. Inmate picture files shall be maintained in Central Control.

Central Control is responsible for ensuring continued maintenance and absolute accuracy of the inmate picture files that are maintained in Central Control. The inmate picture files shall be maintained in a secured location within Central Control as described in Section 52020.6.4.

- During a picture count, a comparison of each inmate against his/her CDC identification card shall be conducted. If an inmate(s) cannot present his/her CDC identification card, the IPTR176 – Inmate by Housing Area report with “Include Inmate Photo” selected that is generated by SOMS can be used for a positive visual identification. In the event that a photo is not available in SOMS, the photo on the Central Control’s inmate picture file shall be taken to the housing area and used for a positive visual identification. During a picture count, all inmates’ identities and cell/bed numbers shall be compared to the IPTR176 – Inmate by Housing Area report, with “Include Inmate Photo” selected, that is generated by SOMS.

52020.5.8 Limited Visibility Count
When visibility is severely restricted (due to inclement weather conditions) a recall of all inmates shall be initiated and a limited visibility count shall be completed.

During limited visibility count, inmate workers who are on the critical workers list may be out counted. The critical workers list shall be developed by the Facility Captains and reviewed and approved by a designated Associate Warden.

Operations
The Watch Commander shall initiate limited visibility operations whenever severely reduced visibility conditions exist, which afford inmates an increased opportunity to escape. Limited visibility operations shall be initiated when the outer perimeter tower posts are unable to see one another clearly and distinctly and shall consist of:

- Initiating and clearing a limited visibility count.
- All inmate movement shall be cleared by the Watch Commander or higher and shall be under direct supervision.
- Continuing indoor programs within the facility.
- Terminating yard exercise and outdoor programs within the security perimeter.
- Posting foot patrols inside the security perimeter with designated safety equipment.
- Posting armed foot/vehicle patrols outside the security perimeter (not authorized at institutions with a lethal electrified fence unless the lethal electrified fence becomes nonoperational).
- On duty staff shall be utilized for posting inside and outside security perimeter patrols.

Institutions with a lethal electrified fence may conduct indoor programs (e.g., academic and vocational programs, industries and maintenance) within the security perimeter. Institutions without a lethal electrified fence shall conduct programs (e.g., academic and vocational programs, industries and maintenance) in accordance with their limited visibility plans and security requirements.

In the event the lethal electrified fence becomes nonoperational during times of limited visibility, institutions are advised to revert to their operational procedures, which were utilized prior to the installation and/or activation of the lethal electrified fence.

Removal of Limited Visibility Operations
The Watch Commander shall promptly resume normal institution/facility operations when outer perimeter posts can see one another clearly and distinctly, or when a designated landmark can be seen clearly and distinctly by a designated post.

52020.6 Count Notification
The institution/facility count cannot be cleared until Central Control reconciles the Master Count Sheet.

Inmate movement may resume when the Central Control announces, via the institution/facility public address system or other available means, the institution/facility count is clear.

52020.6.1 Paper Count Slips in place of the SOMS Automated Process
The SOMS automated count process produces electronic count slips that include:

- Date and time of the count.
- Name of the person who is logged into SOMS and submitting the count.
- Count area.
- The reporting employee entered count total.
- The reporting employee entered name of the staff member who conducted the count.

This automated process shall be used to submit actual positive and negative counts to Central Control. These electronic count slips are permanently electronically attached to the completed Count Package.

When SOMS is unavailable or the institution’s/facilities electrical power fails, Central Control staff shall conduct count by using a manual process. Facility staff shall prepare paper count slips, and or negative count slips, and submit slips to Central Control.

The count slips used for institution/facility positive counts shall be designed by each institution/facility Central Control to match the standardized SOMS count slip for the individual institution/facility design and be approved by the Correctional Captain. Count slips shall be prepared in blue or black ink and shall include:

- Current date.
- Time count commenced.
- Actual number of inmates counted.
- Housing unit.
- The printed name and signature of the employee who conducted each count.

The negative count slip is a recording of the total number of unoccupied cells/beds counted. In a unit/dorm utilizing double bunks, the following shall be denoted on the count slip, Upper (U) and Lower (L) or Right (R) and Left (L). When housing units utilize triple bunks, the following shall be denoted, Upper (U), Middle (M), and Lower (L). The negative count slip shall be submitted to Central Control and include the following:

- Date and time.
- Negative bed numbers and bed totals.
- Printed name and signature of the staff member conducting the negative count and the responsible Sergeant.

The positive count slips, out count slips, negative count slips, if applicable and adding machine tape shall be secured to the Master Count Sheet as one document and archived for one year unless they reflect evidence of an escape.

If a count slip reflects any kind of alterations, the Central Control shall request the submission of a new count slip.

52020.6.2 Central Control
Central Control shall monitor, reconcile and clear all official institution counts using the SOMS automated count process. They shall maintain a current, accurate record of all inmates to reflect all inmate movement. Once Central Control opens a Shift Count all area counts that are submitted to Central Control shall match the tentative count compiled by SOMS and reflected on the Shift Count.

When SOMS is not available or the institution’s/facility’s electrical power fails, Central Control shall manually prepare a Master Count Sheet.

- On all watches, Central Control shall log times that official counts are received on a manually prepared Master Count Sheet. They shall maintain a current, accurate record of all inmates to reflect all inmate movement. Once a tentative count (out counts included) is set up, all areas shall match with the Central Control’s Master Count.

Central Control Security
Central Control shall be staffed on a 24-hour basis. To prevent unauthorized access, the outer sallyport door shall be mechanically operated from inside Central Control. Once the identity of the person(s) being admitted has been determined and the outer sallyport door is secured, the inner door can be opened manually to allow authorized staff access into Central Control.

Additional Duties/Responsibilities

Central Control duties/responsibilities may also include: monitoring fire and security personnel alarm systems; operating electrically controlled doors/gates; monitoring various perimeter mechanical or electrical alarm systems; operating telephone equipment; and storage/issuance of institution/facility keys, radio communication systems, batons, riot helmets, transparent police baton riot shields, chemical agents, weapons, and ammunition.

Central Control, on all watches, shall ensure that all information entered into SOMS is accurate by printing a Daily Movement Recap (DMR) report (produced in SOMS) the completion of their watch.

Central Control/Subarmory

Emergency weapons, ammunition, and chemical agents assigned to Central Control for storage/issuance purposes must be stored in a secured location in accordance with DOM 55050. If armed tower coverage is not provided, the Central Control staff shall be armed. All weaponry shall be inventoried in accordance with DOM 55050.

Telephone Off Hook Alarm System

The main telephone Off Hook Alarm System (OHAS) is normally located in Central Control. However, institutions/facilities may designate another area to install OHAS. When OHAS is activated, responsible staff shall notify the custody complex and the appropriate supervisory staff. Responsible staff shall maintain an OHAS Log to record all enunciated alarms (when this system is not automated), indicating the following information:

- Date and time of the alarm.
- Location of the alarm.

Each Correctional Captain is responsible for ensuring that a plan exists for appropriate staff response to the area wherever OHAS alarms originate. The plan shall include first and secondary response.

Note: Prior to canceling an OHAS alarm response, a staff member shall account for the staff/inmates assigned to the affected area.

Telephone Security Check Calls

For the purpose of verifying employee alertness and accountability, each Correctional Captain is responsible for designating areas that shall be required to make telephone security check calls each half-hour, commencing at 1930 hours and terminating at 0500 hours. Security Housing Units and Administrative Segregation Units may commence check calls earlier than 1930 hours depending on program needs. Each institution/facility shall establish a central location that shall receive security check calls and maintain a log to record employees/areas that are designated to make security check calls. The watch office or Watch Commander shall be notified when an employee/area fails to make a security check call.

52020.6.3 Running Count

Central Control, on each watch, shall maintain a running count. The running count shall be manually updated during the shift any time there is a movement in a reportable count area that affects the institution/facility count. The running count shall be verified by cross-checking with the inmate picture file, and the DMR report.

The running count shall continue to be manually maintained, and shall also be used as a manual method of tracking the affect of inmate movement on the institution count as the movement occurs, during the period when SOMS is unavailable or the institution’s/facility’s electrical power fails.

52020.6.4 Inmate Picture File

Central Control shall maintain an inmate picture file that contains a picture of each inmate and is systematically sorted by the inmate’s assigned housing. Central Control shall maintain absolute accuracy of the inmate picture file.

Note: When an inmate requires emergency transport out of the institution/facility (i.e., ambulance) and the inmate’s CDC identification card cannot be located, the inmate’s picture file maintained in Central Control, or the picture in SOMS may be used to positively identify the inmate and process the inmate out of the institution. Upon completion of the emergency transfer or when the inmate is returned to the institution/facility, Central Control staff shall ensure the inmate’s picture file is properly returned/replaced by Receiving and Release.

The picture file shall continue to be manually maintained, and shall also be used as a manual method of tracking the affect of inmate movement on the Facility/Housing Unit counts as the movement occurs, during the period when SOMS is unavailable or the institution’s/facility’s electrical power fails.

52020.6.5 Inmate Housing Assignment Changes

The SOMS automated Bed Request Batch assignment process shall be used for:

- Submittal of bed assignment requests by the Housing Unit Correctional Officer or higher classification.
- Housing Unit Correctional Lieutenant/Sergeant or higher classification review and recommendation or denial of the bed assignment requests.
- Central Control Sergeant review and approval or denial of the recommended bed assignment requests.
- Monitoring of the approved or denied bed requests and the entering of the completed bed moves by the Housing Unit Correctional Officer or higher classification.

A permanent record of Bed Request Batches is maintained in SOMS for archival purposes.

When SOMS is unavailable or the institution’s/facility’s electrical power fails all Inmate housing assignment changes shall be accomplished by staff completing a GA Form 154, Inmate Transfer Form, upon approval of Central Control.

Without exception, Central Control shall not accept a GA Form 154 or SOMS Bed Request Batch that has not been signed/approved by the Facility Lieutenant/Sergeant or a higher classification. The facility Correctional Lieutenant/Sergeant shall check for accuracy of the information prior to signing the manual GA Form 154 or approving the automated SOMS Bed Request Batch.

In the event that a manual GA Form 154 has to be completed, Central Control shall retain the original GA Form 154. The remaining three copies are distributed as follows and retained until entries appear on DMR:

- The duplicate copy shall be retained by the officer assigned to the housing unit from which the inmate(s) was housed.
- The triplicate copy and inmate’s picture(s), if applicable, shall be retained by the housing officer assigned to the housing unit to where the inmate(s) will be housed.
- The quadruplicate copy shall be retained by the appropriate facility/program office.

52020.6.6 Inmate Daily Movement Sheet

The DMS is a combination of existing DDPS reports on work assignments, or custody classification changes, and the SOMS generated IPR151 – DMR report that includes all arrivals, departures, temporary releases, out-to-courts, and family visits during the previous 24-hour period.

To allow for workload impact on assignment operations, DMS shall have an “effective date” listed to reflect the actual date the action is authorized.

For example:

- The inmate DMS is issued on 12-1-97, however, some of the actions are effective on 11-28-97, or will be effective on 12-3-97.
- The date shown in the “effective date” column is the official date of that specific action.
- The inmate DMS shall be completed prior to the conclusion of the first watch. The First Watch Commander shall check for accuracy of information on the DMS, authorize it to be published with their signature, and have sufficient copies distributed to meet the needs and requirements of each institution/facility.

52020.6.7 Housing Roster Report

The SOMS report menu can be used to generate a Housing Roster Report in various formats (i.e., IPR122 – Housing Area Roster, IPR176 – Inmates by Housing Area).

52020.7 General Movement

The following subsections provide for the assignment of responsibility to staff, and for the orderly release and return of inmates to/from their housing units or activities. This shall include the use of schedules and master pass lists. If applicable, these procedures shall provide for inmate movement outside normal traffic patterns, during daylight and night-time hours, limited visibility, or lockdown conditions.

All scheduled work/training program releases shall be announced to the general population. Inmate movement to and from assignments shall be supervised along established routes.
Personnel Movement Daylight
Normal staff movement during daylight hours, unless visibility is severely restricted do to inclement weather, does not need to be communicated post to post. Staff movement to any area, such as rooftops, tunnels, Security Housing Unit perimeter, and security fences shall be cleared by the Watch Commander.

Personnel Movement Night
Normal staff movement during first watch hours shall be communicated from post to post via the telephone, intercom, or two-way radio system in all areas where movement occurs. The methods of communication shall be designated by each individual institution/facility. For the purposes of institutional safety and security, as well as staff accountability, off duty staff, vendors, and individuals not recognized attempting to enter the secured perimeter shall not be allowed to proceed until approval is obtained from the Watch Commander.

52020.8 Inmate Movement Policy
All uniformed and non-uniformed staff shall account for and ensure that all inmate releases, movement to activities, and return of inmates to the housing units, are approved and regulated by central control under the direction of the Watch Commander.

52020.8.1 Work/Training Call
All scheduled work/training releases established by the institution/facility shall be announced to the general population. Each institution/facility shall establish specific/designated controlled routes for all inmate movement during daylight and darkness hours.

Absent Inmates
The supervising employee receiving inmates into his/her area shall attempt to locate any inmates absent from work, academic, or vocational assignments. If the inmate is not located within one-half hour, the supervising employee shall report the absence to the Facility/Program Sergeant and Central Control. Prior to reporting an inmate absent from the work/training assignment, staff shall ensure that the inmate is not listed on the Master Pass list to report to a scheduled appointment.

Inmate Accountability
Work/training supervisors shall notify the custodial post that governs inmate gate passes, the exact number of inmates received within their areas of responsibility, and the names of the inmates who failed to report. Work/training supervisors and designated custodial posts that govern inmate gate passes shall attempt to locate any inmate reported absent from their assignments. If the inmate(s) is not located within 30 minutes, the inmate’s absence shall be reported to Central Control and the Watch Commander shall be notified.

52020.8.2 Gate Passes
The Inmate Assignment Lieutenant is authorized to issue three different types of gate passes. The gate pass shall identify those inmates, authorized by the classification committees, to work:

- Inside the perimeter fence, which requires inmates to pass through a work change area.
- Outside the perimeter fence of the institution/facility.
- Off institution/facility property.

When the inmate’s custody is reduced/increased, the Inmate Assignment Lieutenant shall recall the existing gate pass and issue a new gate pass.

Gate Pass Security
Gate passes shall be secured in a metal box with a locking device. The gate pass box shall be divided into “in” and “out” sections. The gate passes shall be moved to the appropriate in or out sections of the box and shall immediately be moved when an inmate enters or exits the gate that controls gate passes. The gate officer shall keep the box locked, and shall not allow inmates to have access at any time.

Work Change Gate Pass
Work change gate passes shall be printed on “White” paper and shall contain the following information:

- Labeled with the work change gate’s name or number.
- Assigned a sequential number.
- Inmate’s photo, name, and CDC number.
- Inmate’s assigned housing (pencil).
- Inmate’s custody, work/academic assignment, and activity restriction.
- Effective date, Regular Days Off, and scheduled hours of work.

- Signature of Inmate Assignment Lieutenant.

Outside Perimeter Fence Gate Pass
Outside institution/facility perimeter fence gate passes shall be printed on “Blue” paper, laminated, and in addition to the information required for the work change passes contain the following:

- Signature of Correctional Captain.
- Embossed.

Off Institution/Facility Property Gate Pass
Off institution/facility property gate passes shall be printed on “Green” paper, laminated, and contain the same information that is required for outside perimeter fence gate passes.

52020.8.3 Gate Pass Embossing Stamp
The Correctional Captain/Facility Captain shall obtain and maintain sole custody of an embossing stamp of unique design at all times. To authenticate gate passes, the Correctional Captain/Facility Captain’s signature and embossing stamp shall be affixed to all gate passes, except work change gate passes.

52020.8.4 Emergency Rescinding of Gate Passes
The Watch Commander, Facility Lieutenant, Inmate Assignment Lieutenant, or higher authority shall rescind a gate pass when the inmate demonstrates and/or disrupts an operation, or evidence indicates an inmate may attempt to escape. The rescinding of a gate pass shall be appropriately documented (CDC Form 115, Report of Rules Violation, CDC Form 128B, Chrono-General, memorandum, etc.).

- Gate passes shall be rescinded upon receipt of a felony arrest hold or detainer, or when an inmate is pending adverse classification committee review.

52020.8.5 Master Pass List
Scheduled individual inmate movement shall be arranged by submitting a request to the Inmate Assignment Lieutenant’s office one day preceding the effective day by the institutional established time. A Master Pass List shall be prepared, audited, signed, and published from these requests by the Inmate Assignment Lieutenant.

52020.8.6 CDC Form 129, Inmate Pass
Staff shall ensure that all inmates listed on the master pass list receive a CDC Form 129, Inmate Pass. This pass shall be issued to individual inmates to authorize movement to specified locations at designated times. Each institution/facility shall develop precautionary procedures to ensure blank CDC Form 129s are secured in areas not accessible to inmates.

Issuance to Inmates
CDC Form 129s shall be issued to inmates by housing unit staff by 2200 hours the day prior to the effective date on the pass. The CDC Form 129 shall contain the following information:

- Inmate’s name and CDC number.
- Inmate’s assigned housing.
- Date scheduled.
- Time scheduled.
- The destination.
- The arrival and departure time.
- The reason for the pass.

All non-priority pass forms shall be printed on plain white paper. When unscheduled inmate movement is necessary, staff shall issue inmates a CDC Form 129 prior to allowing inmates to proceed without staff escort (i.e., medical/dental, authorized attorney visit, disciplinary hearing, or to complete Receiving & Release necessities, etc.). Staff shall call to inform other staff if an inmate(s) is expected to arrive at their location.

Scheduling Priority Appointments
Except for emergencies, medical services, and casework needs (priority ducats) passes shall not be scheduled during work/program hours. Pass scheduling shall comply with the work incentive law.

- When it is necessary to make casework contacts during an inmate’s work hours, a “Priority Ducat Request” shall be initiated including only those inmates who will be on scheduled work assignments. This shall be done separately from nonpriority request.
- The priority request shall require either the approval of the chairperson of a properly constituted classification committee, or the approval of the originator’s immediate supervisor. All priority passes shall be...
distinguished in accordance with DOM 53130.9.2, Priority Ducat System.

52020.8.7 Movement During Nonworking Hours
Inmates may participate in leisure activities during nonworking hours. Participation is based upon the inmate’s privilege group. Movement to inmate activities shall be coordinated by the Watch Commander. Nonworking hour’s activities include, but are not limited to, the following:

• Self-help groups.
• Recreational functions.
• Library.
• Canteen.
• Hobby programs.
• Entertainment from the outside community.

52020.8.8 Lockdown Movement
All movement of inmates during a lockdown shall be coordinated by the Watch Commander. Movement shall be restricted to those inmates cleared to perform essential or emergency services. Inmate movement shall be under direct staff supervision and/or escort.

Feeding
If controlled feeding is initiated during lockdown conditions, inmates shall be released in small manageable groups and shall be under constant supervision to and from dining halls.

Medical Appointments or Care
Inmates who require medical care, or have scheduled medical appointments, shall be under direct staff supervision and/or escort.

Daily Procedures
Daily institution/facility procedures governing movement of staff and inmates during lockdown conditions shall be published and distributed to all affected areas.

52020.8.9 Controlled Movement/Closed Custody Movement
Inmates, designated as close custody, shall be supervised in accordance with CCR 3377.1.

Inmate Escorts
Inmate escorts shall be conducted as security and custody classification dictate. The following are examples to be used as guidelines for escorting inmates:

• The escorting staff member should be approximately 12 to 18 inches diagonally behind the inmate or inmates.
• The inmate may be in restraints (depending on custody classification and behavior).
• The escorting staff member may hold on to the restraints of the inmate (depending on the inmate’s behavior or history of behavior).
• The escorting staff member may draw his/her baton for escorting restrained inmates in a general population setting if the staff member deems it necessary.
• For mass escorts, the first escorting staff member should be positioned beside the inmates being escorted, while the second escorting staff member is positioned 12 to 18 inches diagonally behind the last inmate being escorted.

52020.9 Revision
The Director, DAI, or designee shall ensure the contents of this section are reviewed annually and make changes as necessary.

52020.10 References
PC § 2079.
CCR § 3274.
ACA §4-4188 and 4-4189.

ARTICLE 17 — CONTROL OF DANGEROUS AND TOXIC CHEMICALS
Revised January 26, 2015

52030.1 Policy
All units of the Department shall meet or exceed the requirements of all rules, regulations and laws applicable to identification, training, use, storage, handling and disposal of hazardous chemicals; including those established in the Guidelines for the Control and use of Flammable, Toxic and Caustic Substances, and the Hazardous Substances Information and Training Act, Labor Code, Division 5, Chapter 2.5. The Department shall provide a working and living area that is as free as possible from unsafe and unhealthy exposure which could lead to personal injury or illness.

52030.2 Purpose
This policy shall establish a method for the identification, receipt, training, issue, handling (or use), inventory and disposal of hazardous chemicals, which is in compliance with all federal, state, and local laws or ordinances.

52030.3 Definitions
The following sections shall define language usage in this section.

52030.3.1 Access
The right and opportunity to examine and/or copy.

52030.3.2 Legislative Act
Hazardous Substances Information and Training Act, Chapter 2.5 commencing with § 6360 of Part 1 of Division 5 of the LC.

52030.3.3 Acute Health Effects
Health effects which are manifested immediately or shortly after, and as a result of, an exposure to a hazardous substance.

52030.3.4 Analysis Using Exposure or Medical Records
Any compilation of data, or any research, statistic or other study based at least in part on information collected from health insurance claims records, provided that either the analysis has been reported to the employer or no further work is currently being done by the person responsible for preparing the analysis.

52030.3.5 Chemical Abstract Service (CAS) Number
The unique identification number assigned by the Chemical Abstract Service (CAS) to specific chemical substances.

52030.3.6 Caustic
A substance that can burn, eat away, or destroy man-made materials and animal tissue by chemical action; corrosive.

52030.3.7 Chemical Name
The scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Service.

52030.3.8 Common Name
Any designation or identification such as code name, code number, trade name, or brand name used to identify a substance other than by its chemical name.

52030.3.9 Designated Representative
Any individual or organization to whom an employee gives written authorization to exercise a right of access shall be treated as the employee's designated representative for the purpose of access to his/her exposure records.

52030.3.10 Employee
A current employee, a former employee, or an employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents. Also, a deceased or legally incapacitated employee’s legal representative may exercise all of the employee’s rights under this interpretation.

52030.3.11 Emergency
Includes, and is not limited to, equipment failure, rupture of containers, or failure of control equipment, which could or does result in a release of a hazardous substance in the work place.

52030.3.12 Employee Exposure Records
A record containing any of the following information about employee exposure to toxic, hazardous chemicals (Title 8, CCR, Section 3204).

• Environmental monitoring or measuring, including person, area, grab, wipe, or other form of sampling; as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained.

• Biological monitoring results which directly assess the absorption of a substance or agent by body systems (e.g., the level of chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent.

• Material Safety Data Sheets (MSDS) and/or Safety Data Sheets (SDS).

• In the absence of the above records, any other record which reveals the identity; e.g., chemical name, common name, or trade name of a hazardous chemical.
52030.3.13 Employee Medical Record
A record concerning the health status of an employee which is made or maintained by a physician, technician, or other health care personnel.

- Employee medical record includes:
  - Medical and employment questionnaires or histories (including job description and occupational exposures).
  - The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including x-ray examinations and all biological monitoring).
  - Medical opinions, diagnoses, progress notes, and recommendations.
  - Descriptions of treatments and prescriptions.
  - Employee medical complaints.
  - Employee medical record does not include:
    - Physical specimens; e.g., blood or urine samples which are routinely discarded as a part of normal medical practice and are not required to be maintained by other legal requirements.
    - Records concerning health insurance claims if maintained separately from the employer’s medical program and its records, and not accessible to the employer by employee name or other direct personal identifier, e.g., social security number, payroll number, etc.
    - Records concerning voluntary EAPs (alcohol, drug abuse, or personal counseling programs) if maintained separately from the employer’s medical program and its records.

52030.3.14 Employer
A current employer, a former employer, or a successor employer.

52030.3.15 Expose or Exposure
Any situation arising from a work operation where a person may ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with a hazardous substance; provided that such contact shall not be deemed to constitute exposure if the hazardous substance present is in a physical state, volume, or concentration for which it has been determined that there is no valid and substantial evidence that any adverse effect, acute or chronic, on human health may occur from such contact.

52030.3.16 Globally Harmonized System (GHS)
An international system of environmental and occupational safety information designed to protect workers and the environment from the hazards of hazardous chemicals.

52030.3.17 Hazardous Chemical
Any substance or mixture of substances which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, a hazard not otherwise classified, or is included in the List of Hazardous Chemicals prepared by the Department of Industrial Relations, Division of Occupational Safety and Health’s Director pursuant to Labor Code Section 6382.

52030.3.18 Hazardous Waste
A waste as defined in Section 66261.3 of Title 22, CCR, Division 4.5. “Hazardous waste” includes acutely hazardous waste, extremely hazardous waste, non- Resource Conservation and Recovery Act (RCRA) hazardous waste, RCRA hazardous waste, special waste, and universal waste.

52030.3.19 Impurity
A hazardous substance which is unintentionally present with another substance or mixture.

52030.3.20 Label
An appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

52030.3.21 Material Safety Data Sheet (MSDS)
A document which supplies information about a particular hazardous chemical or mixture, as required by prior regulation. Note: MSDS use for received hazardous chemicals is allowed until June 1, 2015. Safety Data Sheets (DOM Section 52030.3.25) shall be exclusively used for hazardous chemicals received after June 1, 2015 MSDS’s shall be retained for older hazardous chemical products.

52030.3.22 Manufacturer
A person or company who produces, synthesizes, extracts or otherwise makes a hazardous substance.

52030.3.23 Mixtures
A combination or a solution composed of two or more substances in which they do not react.

52030.3.24 Record
Any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., paper document, microfiche or film, x-ray film, or automated data processing).

52030.3.25 Safety Data Sheet (SDS)
Written or printed material concerning a hazardous chemical that is prepared in accordance with Title 8, CCR, subsection 5194 (g).

52030.3.26 Specific Written Consent
A written authorization containing the following:

- The name and signature of the person authorizing the release of information.
- The date of the written authorization.
- The name of the individual or organization that is authorized to release the medical information.
- The name of the designated representative (individual or organization) that is authorized to receive the released information.
- A general description of the medical information that is authorized to be released and purpose of release.
- A date or condition upon which the written authorization shall expire (if less than one year).

A written authorization does not authorize the release of medical information not in existence on the date of written authorization, unless this is expressly authorized, and is not in effect for more from date of written authorization. A written authorization may be revoked in writing at a time.

52030.3.27 Universal Waste
Any of the wastes that are listed in Title 22, CCR, Section 66261.9.

52030.4 Responsibility
Warden and Camp Director
The Wardens and Camp Directors shall monitor the supervision and control of hazardous chemicals. Wardens and Camp Directors shall ensure that adherence to the methods and procedures described in this plan are followed.

52030.4.1 Department Heads and Supervisors
Department heads and supervisors shall monitor daily compliance with this procedure in the areas of their responsibilities.

All supervisors shall:

- Control the use of all known hazardous chemicals within their jurisdiction.
- Maintain a completed MSDS or SDS and CDCR Form 2280, Hazardous, Toxic, And Volatile Substances Perpetual Inventory, for each such hazardous chemical used in the work area.
- Inform employees and inmates of the right to personally receive information regarding hazardous chemicals to which they may be exposed in accordance with the CCR Title 8 subsection 5194(d)(6).
- Maintain a constant daily inventory of all hazardous chemicals used or stored within the work area. Inventory lists shall be kept in a place inaccessible to inmates and separate from where items are stored.
- Provide on request of an employee, inmate or their representative, a copy of the MSDS or SDS for each hazardous chemical used in the work area.
- Notify employees of hazardous chemicals present in the work area prior to the job assignment. Such notification shall consist of the following:
  - A prominently posted list of hazardous chemicals. The list shall indicate the manner in which the appropriate MSD or SDS are available as well as access to medical exposure records.
  - Prominently displayed binders containing the appropriate MSDS and SDS, provided that the number and location of binders are sufficient to give reasonable notice to all affected staff.
  - Any other method of written notice listing the hazardous chemicals in the work area and the availability of MSDS or SDS at the work site.

Training
Each work area supervisor shall ensure that every staff person required to work with or use a hazardous chemical is appropriately trained per Title 8,
CCR, Section 5194 in the safeguards and emergency procedures prior to being assigned to work with the hazardous chemical.

- Training shall be provided by the supervisor from information on the MSDS or SDS.
- OJT, in the form of weekly safety meetings with instruction on specific job tasks, shall be documented indicating the date provided, the name of attendees, subject covered, and any additional materials or information supplied.
- Classroom and/or specialized training shall be provided to staff and inmates pertaining to hazardous chemicals where OJT is not adequate.
- Training records shall be maintained by the supervisor of the work area with a copy to the employee or inmate’s file and a copy to the IST officer (staff employees).
- Employees or inmates who have not received appropriate training shall not be allowed to work with the hazardous chemical until such time as the appropriate training is completed.

Provide appropriate training on the hazardous chemicals used within the work area prior to using the hazardous chemicals. Training shall consist of:

- Any health hazards associated with the use of the hazardous chemical or mixture.
- Necessary precautions for handling to prevent or minimize exposure to the hazardous chemical.
- Proper use and care of protective clothing and apparatus necessary for handling hazardous chemicals.
- Emergency procedures for spills, fire, disposal, and first-aid.
- Provide written information or training programs for understanding the MSDS or SDS.

Furnish employees and inmates exposed to a hazardous chemical with information on the contents of the hazardous chemical, as stated on the MSDS or SDS for that hazardous chemical.

52030.4.2 Warehouse Manager/Supervisor

All deliveries of hazardous chemicals from a vendor shall be made directly to the institution warehouse. Warehouse staff are responsible for the proper receipt, labeling, and storage of such hazardous chemicals as provided in this section.

Upon receipt of any hazardous chemicals listed above, warehouse staff shall immediately check the hazardous chemicals against the purchase order to ensure receipt of the correct material and amount. The material must be appropriately marked to identify the hazardous chemicals and any related hazards. Containers not so marked will not be accepted by the warehouse staff.

The warehouse supervisor/manager shall:

- Ensure that each container is labeled according to the Globally Harmonized System (GHS) and National Fire Protection Association (NFPA) guidelines.
- Ensure that a properly completed MSDS or SDS is on file for the hazardous chemicals as soon as possible. Documentation on requests for MSDS or SDS should be maintained for any follow-up action as necessary. Specific instructions for acquiring a MSDS or SDS can be found in Title 8, of CCR, Section 5194.

Inventory Sheet

Prepare and ensure the completion of CDCR 2280 for each hazardous chemical received. The following information must be included on the inventory sheet:

- Date received.
- Hazardous chemical received (common name or brand name).
- Quantity received.
- Person receiving the hazardous chemical.
- Date hazardous chemical is dispensed (whole or part).
- Quantity of hazardous chemical dispensed (pint(s), gallon(s), etc).
- Person dispensing the hazardous chemical.

52030.4.3 Storage

Ensure that all hazardous chemicals are stored in their original containers or if transferred to another container, in an approved container for the specific hazardous chemical. All containers shall be appropriately labeled with the name of the hazardous chemical or mixture contained in it. The Globally Harmonized System (GHS) labeling and identification requirements shall be used to identify the hazard of the hazardous chemical, as appropriate.

Materials received from the vendor shall be immediately stored in a locked “hot room” in the warehouse complex or other designated location specifically constructed for this purpose. (Empty or unused areas in the warehouse will not be used to store these hazardous chemicals.)

Bulk quantities of selected flammable and corrosive hazardous chemicals shall be stored in the warehouse’s “special structure room” designated for these hazardous chemicals.

- Oxidizing agents shall be separated in storage from flammable or combustible materials and from mineral acids (Title 8, CCR, Section 5179, Uniform Fire Code, and National Fire Protection Association (NFPA) Guidelines).
- Hazardous chemicals which, when mixed react violently, or evolve toxic vapors or gasses, or which in combination become hazardous by reason of toxicity, oxidizing power, flammability, explosiveness, or other properties, shall be separated from each other in storage by distance, partitions, or otherwise so as to preclude accidental contact between them (Title 8, CCR, Section 5184, the Uniform Fire Code, and National Fire Protection Association (NFPA) Guidelines).
- Special precautions shall be exercised to ensure that these hazardous chemicals are never stored with food items per the California Retail Food Code.

Gas Cylinders

All compressed gas cylinders, full or empty, shall be equipped with safety caps and chained to the storage racks provided for this purpose in the warehouse per the Uniform Fire Code and National Fire Protection Association (NFPA) Guidelines.

- All gas cylinders, full or empty, on the work site must be secured in such a manner as to prevent their being dropped or knocked over.
- All gas cylinders shall be marked so as to identify clearly the hazardous chemicals contained in them.

52030.4.4 Containers

All containers shall be clearly marked to identify the hazardous chemicals contained therein. No container shall be used for a hazardous chemical for which the container is not approved.

- Any containers with unidentified chemicals shall be reported to the fire chief or other hazardous materials specialist designee. Steps shall be taken within 24 hours to have contents identified.

If the discovery was during non-business hours, steps for identification shall be the following work day.

- Strict adherence to all laws and regulations pertaining to the storage and handling of hazardous chemicals shall be maintained at all times.
- Warehouse staff shall be appropriately trained in the storage and handling of all hazardous chemicals contained in the warehouse.

52030.4.5 Dispensing

All hazardous chemicals shall be dispensed in their original containers when possible. If smaller amounts are requested, only containers approved for the hazardous chemicals being dispensed shall be used.

The warehouse supervisor/manager shall dispense only the amount of the hazardous chemical indicated on the written request. Only the minimum amount needed for the specific job shall be requested.

The warehouse supervisor/manager shall distribute copies of appropriate MSDS or SDS for each hazardous chemical dispensed, to the appropriate supervisor requesting the hazardous chemical. If a prior MSDS or SDS for the hazardous chemical has been forwarded to the supervisor requesting the hazardous chemical, a new MSDS or SDS shall not be forwarded unless new information has been received on that hazardous chemical.

Whenver a new MSDS or SDS is received in the warehouse for any hazardous chemical which previously had a MSDS or SDS, the warehouse supervisor/manager shall inform users of the hazardous chemicals of any new information by transmittal of a copy of the new MSDS or SDS.

Unused supplies of hazardous chemicals shall be returned to the warehouse for proper storage, unless it is controllable in the work area in a secure, locked room appropriate for the hazardous chemical(s) involved.

All hazardous chemicals received or dispensed from the warehouse shall be immediately documented on the appropriate inventory form for that hazardous chemical.

52030.4.6 Audits

Monthly audits shall be performed by the warehouse supervisor/manager to ensure compliance to inventory documentation, dispensing of hazardous
including, but not limited to:

shall be familiar with this procedure and shall observe all safety precautions

Requests for any hazardous chemicals covered by this procedure shall be forwarded to the warehouse supervisor/manager in writing indicating who is requesting, the hazardous chemical requested, the amount, and when needed. The warehouse supervisor/manager shall maintain an accurate inventory of all hazardous chemicals in the warehouse. They shall maintain a master list of all hazardous chemicals, with copies of applicable MSD or SD, in a locked (or secure) area separate from where the hazardous chemicals are stored.

CDCR Form 2280

A CDCR Form 2280, Hazardous, Toxic, And Volatile Substances Perpetual Inventory,” shall be completed indicating all the hazardous chemicals located in the warehouse. Copies of the MSDS or SDS for each hazardous chemical shall be attached to the completed CDCR Form 2280. One set of copies of the CDCR Form 2280 and the attached MSDS or SDS shall be forwarded to the institution fire chief for their use in the event of a fire or other emergency.

- Perpetual (daily) inventories shall be maintained on all hazardous, toxic, volatile, flammable and caustic hazardous chemicals.
- The warehouse supervisor/manager shall maintain an inventory sheet (log) on each hazardous chemical.
- Documentation shall be appropriately entered on the log/form for the particular hazardous chemical each time a portion is issued.
- If a new hazardous chemical is received in the warehouse, an updated copy of the CDCR Form 2280 and the applicable MSDS or SDS shall be forwarded to the fire chief immediately.

52030.4.7 Fire Chief

The fire chief shall ensure that each work area using hazardous chemicals has an appropriate storage area for all hazardous chemicals used in the work area. The storage area shall be safe, secure, and inaccessible to inmates. Strict attention shall be paid to the proper methods for storage of different hazardous chemicals.

Fire chiefs shall monitor the supervision and control of hazardous chemicals at their assigned institution. Strict adherence to the methods and procedures described in this plan shall be maintained. The fire chief shall also:

- Control the use of all known hazardous chemicals within their jurisdiction.
- Ensure that staff required to implement or participate in the implementation of this procedure are made familiar with its contents.
- In the event of an uncontrollable “spill” of hazardous chemical, take charge of evacuation from the area and notify as soon as possible all agencies required by law i.e.; EPA, California Governor’s Office of Emergency Services (OES), Certified Unified Program Agency (CUPA) and local Emergency Responders (e.g., outside Fire Department).
- File required reports in compliance with federal, state, and local laws.

52030.4.8 Employees

Department employees and inmates who work with hazardous chemicals shall be familiar with this procedure and shall observe all safety precautions including, but not limited to:

- In the event of a major spill or release of toxic or hazardous chemicals, the institution fire department shall be immediately notified for emergency response.
- Reporting any loss or misuse of hazardous chemicals to the immediate supervisor of the area where the loss or misuse occurred.
- Wearing and using appropriate personal protective equipment as required for use with the hazardous chemical(s).
- Immediately reporting any exposure to a hazardous substance to the supervisor in charge, and taking appropriate action to prevent further exposure to themselves or others. This may include appropriate medical follow-up.
- No hazardous chemical covered by this procedure shall be dispensed to inmates without direct supervision of staff. An exception may be made in the authorized use of gasoline (i.e., service stations, garages, lawn mowers, etc.).

If appropriate secure storage areas are not available in the work area for unused hazardous chemicals at the end of the work day, the remaining hazardous chemicals shall be returned to the warehouse for proper storage.

52030.4.9 Asbestos and Polychlorinated Biphenyls (PCB’s)

All incidents involving the release of asbestos and polychlorinated biphenyls (PCB’s) shall be reported immediately to the fire chief or other hazardous materials specialist and the Correctional Plant Manager (CPM) hazardous materials specialist.

The CPM and/or fire chief shall inspect or cause to be inspected the area of concern to determine if immediate action is warranted. If the asbestos and/or PCB’s release creates an immediate danger, the CPM shall notify the Associate Warden, Business Services or other manager who shall notify any and all agencies required by law.

The CPM shall take all necessary actions, including replacement or repair of contaminated material or equipment. All persons shall be evacuated from contaminated areas if warranted, until the area is returned to a safe condition.

For buildings constructed before 1979 that contain or are presumed to contain asbestos containing materials, the work site shall provide notification to employees as required by the Asbestos Notification Act.

52030.5 Hazardous and Universal Waste

Unstable or unusable hazardous chemicals that may become hazardous and universal waste shall be removed and disposed in a safe and healthful manner which complies with all federal, state, and local laws. The institution fire chief or other hazardous materials specialist shall be contacted to provide for the proper disposal of hazardous and universal waste.

Disposal Tax & Fee Forms

Hazardous waste generator tax and fee returns and forms must be filed by CDCR facilities that dispose of hazardous waste during the course of a calendar year.

- A fee return for the weight (tons) of hazardous and extremely hazardous waste disposed, for each calendar year is required by the State BOE, Department of Business Taxes. The fire chief or other hazardous materials specialist shall compile these reports returns.
- An EPA ID # Verification Fee and Manifests Fee Sheet must be completed and filed with the Department of Toxic Chemicals Control (DTSC).
- Failure to complete the above forms in the time designated shall result in a penalty and interest being imposed by the State BOE and DTSC. Therefore, the above forms shall be completed and any fees paid in a timely manner.
- It is imperative that all staff needing hazardous chemicals-hazardous and universal waste disposed contact the fire chief or hazardous materials specialist so that accurate coordination and collection of data can be completed.

A contract for hazardous and universal waste disposal shall be arranged with a licensed, approved hazardous waste transporter (Business Services has this information) to eliminate the possibility of improper disposal and subsequent liability to the Department or institution.

52030.6 Inspections

Ongoing inspections shall be performed by the following staff at the frequency indicated:

Daily

Daily inspections for fire and life safety, including proper supervision of hazardous chemicals, shall be performed by supervisors of each work and living area.

Weekly

Weekly inspections shall be performed by supervisors for fire and life safety, with documentation made of findings.

Monthly

Monthly fire and life safety and health inspections shall be performed by the fire chief and Chief Medical Executive (CME) or their trained designee(s). Reports of deficiencies shall be made and copies sent to the safety coordinator, the Warden and Camp Director and the area supervisor where the deficiencies are noted. Inspections shall also include spot checking for training of employees, safety meeting minutes, proper containment and use of hazardous chemicals, etc.

- Deficiencies shall be corrected within a reasonable time, dependent upon the nature of deficiency.
• All work procedures shall be performed in a healthy and safe manner.

Quarterly inspections shall be conducted by the fire chief or their designee for fire and life safety with findings documented and reports sent to the Warden. Inventories of chemicals used in the work area shall be noted in addition to the deficiencies mentioned above.

Annual

Annual State Fire Marshall and California Department Public Health (CDPH) inspections shall be conducted with the attendance of the fire chief and work or living area supervisor for the area being inspected. Complete cooperation shall be given to assist in a positive, thorough inspection.

State Fire Marshall (SFM) reports and Environmental Health Survey reports (EHS) shall be forwarded to:
- Warden and Camp Director
- Associate Warden, Business Services
- CPM
- CME
- Institution Safety Coordinator, (aka Fire Chief)
- Director, Division of Adult Institutions
- Director, Division of Administrative Services
- Chief, Environmental Compliance Unit, FPCM
- Deputy Director, Office of Audits and Court Compliance
- Chief, Office of Employee Wellness
- Associate Director (Mission), (DAI)

52030.6.1 Plan of Correction

The Warden and Camp Director shall forward a Corrective Action Plan to the Associate Director (Mission), (DAI) and all others mentioned in Section 52030.6, within 30 days (45 days for camps) indicating action planned to eliminate deficiencies noted in the SFM and EHS reports. This plan shall include:
- The nature of the problem
- The method identified to resolve the problem
- Expected date of completion
- List staff members responsible for resolution.
- If problem cannot be corrected within 30 days, the reasons and expectation of when it will be corrected
- The name and title of person preparing the plan of correction

52030.7 Hazardous Chemical Misuse or Loss

Upon discovery that a hazardous substance material has been lost, stolen, or misused, the discovering staff person shall immediately notify the institution watch commander and the safety coordinator. A written follow-up shall be submitted within 24 hours indicating all the information (facts) of the incident. Discovery could be through an inventory or any method that identifies misuse of a hazardous chemical.

The watch commander and safety coordinator shall take action appropriate to the immediate need of the situation (lost, stolen, or misuse). If the hazardous chemical involved could pose a potential serious threat to the life, safety, and/or security of the institution, immediate action shall be taken.
- Under no circumstance, shall loss or misuse of hazardous chemicals be ignored.

A written report shall be submitted to the responsible unit captain and Associate Warden to facilitate a review of the operation in the area and take appropriate action to prevent recurrence.

52030.8 Hazardous Substance Exposure Records

Employee hazardous substance exposure records shall be kept in the employee’s workers’ compensation file, with a copy to the employee’s personnel file. A separate envelope marked “Hazardous Substance Exposure Medical File” shall be red-tagged for easy identification.
- Upon employee transfer, staff exposure records shall be maintained and transferred to each successive institution and shall be forwarded to the SRC when employment is terminated.
- A permanent record shall be kept indicating any/all records forwarded to the SRC (the name of the employee and the date the records were forwarded).

Inmate hazardous substance exposure records shall be kept in the inmate’s medical file. A separate envelope marked “Hazardous Substance Exposure Medical File” shall be red-tagged for easy identification.

Inmate exposure records shall be transferred to each successive institution and shall be maintained and forwarded to the SRC when incarceration is terminated (discharged or deceased).

A permanent record (the name and institution number of the inmate and date records were forwarded) shall be kept indicating records were forwarded to the SRC.

Both staff and inmate exposure records shall be maintained and preserved for at least 30 years post-employment or discharge from the Department.

52030.9 Title 8, CCR, Section 3204

State Compensation Insurance Form (SCIF) 3067 generated as a result of a hazardous substance exposure shall be stamped with red lettering in the upper right-hand corner “Hazardous Substance Exposure.” This will allow for easy identification to the SCIF adjusters and their legal staff to ensure that these records shall not be destroyed.

Employees or their representatives requesting copies of any exposure medical records shall comply with the guidelines of Title 8, CCR, Section 3204. Employees shall first complete a CDC Form 965, Authorization for the Release of All Substance(s) Exposure and Medical Records.

Supervisors shall complete SCIF Form 3067 to report any employee exposures to hazardous chemicals.

52030.10 Revisions

The Director, Division of Adult Institutions, or designee shall ensure that the contents of this section is current.

52030.11 References

CCR (15) §§ 3270 and 3303(b).
CCR (8) Section 5194.
LC, Division 5, Chapter 25.
ACA Standards 4-4215.
National Fire Protection Association (NFPA).
National Safety Council (NSC).
Uniform Fire Code (UFC)

ARTICLE 18 — TOOL CONTROL

Effective December 27, 1989

52040.1 Policy

Pursuant to the Penal Code, The Director has established a system for uniform tool control and prevention of unauthorized or improper use of tools.

52040.2 Purpose

To provide control and accountability for those tools and equipment items that pose a threat to persons or the physical security of the institution.

52040.3 Responsibilities

Supervisors and managers shall monitor the control and inventory of tools in their respective department/area/unit.

52040.3.1 All Staff

All staff supervising inmates shall instruct inmates in the control and the proper usage of the tools.

52040.4 Tool Classification

All tools, instruments, implements, utensils, appliances, or devices used in performing work shall be classified into various tool groups.

52040.4.1 Critical Tools

Revised April 29, 1991

Critical tools include all tools that are extremely hazardous when uncontrolled, i.e., hacksaws and blades, cutting torches, large pipe wrenches, all types of knives, bolt cutters, axes, or any additional tools which work supervisors and instructors or the captain feel are dangerous to institution security or inmates’ well being. Tools in this category shall be coded and marked to conform with DOM 52040.5.

Escape Priority Tools

- Inmates using escape priority tools shall require direct staff supervision while working within a secure perimeter. Inmates assigned to minimum security work crews, off reservation work details (ORWD), camp programs, or parole work furlough programs, do not necessarily require direct and constant supervision during the performance of their work assignments. Examples of escape tools include, but are not limited to, the following:
  - Bolt Cutters.
 Other power tools may be used without direct supervision. Examples are:

- Oxy-acetylene equipment.
- Hacksaws.
- Ropes.
- Ladders (over six feet in height).
- Portable scaffolds.
- Pipe cutters.
- Files.
- Block and tackles.
- Pneumatic jackhammers.
- Metal cutting equipment.
- Security screwdrivers.
- Security wrenches.
- Security torx bits and hex bits.
- Sheet metal shears.

**Dangerous Tools**

- Dangerous tools may be utilized without direct staff supervision. Some examples of dangerous tools include, but are not limited to, the following:
  - Knives.
  - Hatchets.
  - Axes.
  - Chisels.
  - Hammers.
  - Screwdrivers.
  - Punches.
  - Scribes.
  - All sharp pointed tools.
  - Scrapers.
  - Loppers.
  - Diagonal pliers.
  - Electrician’s pliers.
  - Side cutters.

**52040.4.2 Non-Critical Tools**

Tools not included in DOM 52040.1 are not normally classified as critical tools; however, the work supervisor may request a critical tool classification through the work supervisor’s supervisor and captain. Examples of non-critical tools include, but are not limited to, the following:

- Lawn mower.
- Lawn rakes.
- Small open and closed wrenches.
- Long-handled gardening tools.
- Electrical testing equipment.

**52040.4.3 Power Tools Grinders**

Electrical, pneumatic and bench grinders shall have locking devices installed covering the grinding wheel as well as the switch or control, so that they cannot be operated except under direct supervision of staff. Grinders shall be locked when not in use. The work supervisor may request their supervisor, captain or higher authority to designate other power equipment to operate as stated.

**Other Power Tools**

Other power tools may be used without direct supervision. Examples are:

- Barber equipment.
- Drills, electric 1/4” and 3/8”.
- Router.
- Vibrator sander.
- Belt sander.
- Skill-saw (wood cutting blade only).
- Roto-hammer, with fastener attachment for red-head anchor.
- Electric power snake (plumbing).
- Airless paint sprayer.
- Pipe cutters, 2 1/2” max.

**52040.4.4 Emergency Tools**

Tools for use by inmate electricians, plumbers, and other inmate tradesmen which may be needed at night or at other times when shops are closed shall be kept locked in boxes in locations designated by the Chief of Plant Operations and approved by the captain of the facility involved.

**52040.4.5 Hobby Shop Tools**

Hobby shop hand tools owned by inmates shall be marked with the inmate’s name and number before being issued to inmates for hobby shop use. State-owned tools shall be controlled by the above-stated procedure. The hobby shop supervisor shall not issue tools defined as “critical” for in-cell use. Replacement stock shall be obtained from outside vendors.

**Note:** Each facility administrator/captain, with the hobby shop supervisor, shall approve/disapprove hobby tools based on risk or threat to the security of the institution.

**52040.5 Tool Identification System**

Each institution shall design a tool identification system, inscription/scribe code, to identify tools from various parts of an institution and to identify tools assigned to particular areas of responsibility. The identification of tools shall assist staff in returning lost or stolen tools to their proper area and identify inmate(s) in the event tools are used to effect an escape or used in a felony crime.

**52040.6 Tool Storage**

Each institutional shop, work area, or building, where tools are used and stored, shall have methods of issuance, storage and key control (refer to DOM 55020), for accountability of tools. Some examples are, but not limited to:

- Shadow board display.
- Tool box.
- Tool pouch.
- Tool locker.

**Note:** Each storage area shall include an inventory card for any custody staff to determine an immediate and accurate count of the tools.

**52040.7 Key Tags (CHITS)**

*Revised April 29, 1991*

All tools issued to inmates shall be with key tags (chits). Inmate key tags are to be of a design/format which is easily recognizable and distinct from staff key tags.

Inmates shall not loan tools to other inmates nor allow other inmates to turn in tools issued to them.

- Each inmate shall be assigned a number and a certain amount of tags. A roster shall be maintained of this assignment of tags.
- At the beginning of each work shift, each shop supervisor shall issue a shower curtain type hook with tags, to the assigned inmate. The supervisor shall count the tags prior to the issuance at the beginning of the shift and at the end of the shift. The inmate’s tags shall be kept secure when not issued to the assigned inmate by the work supervisor.
- Each inmate shall maintain control for their tags. When an inmate wants a tool, they shall turn in a tag for a tool and when the inmate returns the tool, they shall receive their tag immediately.
- Tools shall be issued only to inmates assigned to that work area. If another shop needs a tool, the tool transfer from shop to shop shall be made by the shop supervisors.
- If the tool room inventory clears and an inmate has lost a tag, the inventory log shall be annotated with the date, time, and location where the tag was lost. If the tool room inventory does not clear at the end of the work period, the inmate(s) who have checked out the tool(s) shall be documented with a CDC 115. This shall not change the lost-tool procedure.

**52040.8 Inventories Daily**

Inventory listings of all tools shall be kept and these inventories shall be checked prior to the beginning and ending of each work or class period. These checks shall also be conducted before all breaks, including lunch. The supervisor shall sign the Tool Inventory Check List.

- The supervisor shall maintain a master tool inventory which shall be secured and not available to inmates. The master tool inventory shall be used for daily and quarterly inventories.

**Quarterly**

A quarterly tool inventory shall be submitted by area inventory supervisors for all tools in their assigned areas to their respective department head. The
inventory shall be completed and forwarded by the tenth of January, April,
July, and October of each year.

Note: Under no circumstances shall an inmate be allowed to inventory tools. All
inventories shall be forwarded by the area supervisor to their supervisor,
their respective department head and the chief custodial officer.

52040.9 Loss of Tools
The loss of any tool(s) shall be immediately reported by telephone to the
captain of the facility and the department heads concerned, prior to releasing
inmates back to their respective quarters. The inmates shall be given an
unclothed body search and the work area shall be searched. A “Loss of Tool
Report” shall be prepared immediately by the staff person discovering the
missing tool.

52040.10 Inspections/Searches
Any area within an institution where tools are stored shall be subject to
unscheduled inspections/searches by custody personnel, as directed by the
captain. This shall ensure that the area is secure and that compliance to this
procedure is maintained.

• When violations of this procedure are determined by inspecting
custodial personnel, a written report describing the specific area and
violation shall be addressed to the captain and the division head.

• Any tool found improperly marked or not secured shall be confiscated
and turned over to the captain. A memorandum directed to the captain
and respective division head shall be prepared stating where, when and
by whom the tool was found.

52040.11 Damaged, Broken, Obsolete, or Worn Tools
Damaged, broken, worn or obsolete tools shall be secured and controlled,
just as other tools. Tools in this category shall be picked up, measured and
inspected to ensure all parts are accounted for.

• Each institution head shall designate a person(s) (i.e., security squad,
outside lieutenant, tool control officer) to dispose of the unusable tools
at an off-institutional location.

• Each department head shall enforce the provisions of this procedure.

52040.12 Tool Replacement
Replacement of damaged, broken, worn out, or lost tools, or issuance of
additional tools from the secure warehouse storage area shall have prior
written approval.

Note: For CALPIA tool replacement, see DOM 52040.13.3.

• A tool request shall be directed to the requesting employee’s immediate
supervisor documenting the need for issuance of the required tool.

• The request shall be approved/disapproved by the employee’s
department head, then forwarded to the procurement officer and a copy
to the captain.

• Tools shall be issued by the procurement officer or designated
employee in accordance with this procedure. The procurement officer
shall:
  • Remove the tools from the secure storage inventory located in the
warehouse.
  • Ensure the inventory of requesting area is updated to include the
tool that is needed.
  • Issue the tool after ensuring the tool has been marked for
identification. (See DOM 52040.5.)

52040.13 Methods Warehouse
Revised April 29, 1991
Tool and tool-related material received at the warehouse from vendors shall
be checked against a purchase order or subpurchase order. Issuance of tools
shall be made utilizing an approved form, “Request for Tool(s).” Tools shall
be issued only to staff.

• All tools shall be properly receipted out of the storage area
(warehouse). All tools shall be properly marked and color coded
for area identification.

• An inventory card shall be maintained on each tool stored in the
warehouse.

• Receipts and issues shall be posted to the inventory each time a tool
enters or leaves the warehouse.

• A list of tools specifying description and quantity shall be kept on all
tools in the warehouse.

Hand tools used by inmates assigned to a warehouse shall be issued to
inmate(s) adhering to DOM 52040.7. All tools shall be kept in secured tool
boxes with a tool list posted inside the tool box.

52040.13.1 Restricted Housing Units
Restricted housing units shall maintain an inventory log with all serving
ladles, forks and spoons for the unit included in the log. When not in use,
utensils shall be locked in the designated security lock box within the unit.
Utensils shall be signed in and out for meals by the officer on duty. If a
 proper sink for cleaning the utensils is not available in the unit, the utensils
shall be released to the culinary for washing after they have been accounted
for by the unit officer. The utensils shall be signed in and out on the
inventory log for the unit by the officer on duty. This is to be accomplished
prior to the departure of any food carts from those areas.

52040.13.2 Plant Operations/Maintenance
Each plant operations maintenance shop shall maintain only those tools
required for daily use and equipment maintenance. Each plant operations
maintenance shop shall maintain a storage area (DOM 52040.6) for the
control of tools and for a quick visual check of their assigned tools to
ascertain if any are missing. Example of the shops are, but not limited to:

• Outground crews.
• Carpenter shop.
• Paint shop.
• Electric shop.
• Plumbing shop.
• Boiler room.
• Refrigeration shop.
• Water/sewage plant.
• Maintenance warehouse.
• Service station.
• Kitchen maintenance.
• Lock and key shop.

52040.13.3 CALPIA
Each CALPIA lead institution production manager shall maintain a
tool room which shall supply tools for the subdivisions and
maintain control and inventory of the tool room. Each individual industry
shop supervisor shall maintain a tool storage area for the tools assigned to
the shop. The CALPIA lead institution production manager shall designate,
control, and inventory tools in their shop. Examples of shops are, but are not
limited to:

• Knitting mill.
• Laundry.
• Shoe factory.
• Printing shop.
• Textile factory.
• Metal fabrication.
• Dairy.
• Field crops.
• Furniture factory.
• Sewing machine repair.
• Mattress factory.

Issuance of Additional Tools
Replacement of damaged, broken, worn out, obsolete, or lost tools, or issuance of
additional tools from the secure industry storage area shall be performed by the lead
institution production manager or designated employee in accordance with this procedure.

• A tool request shall be directed by the employee to the immediate
supervisor documenting the need for required tool.

• The request shall be approved/disapproved by the lead institution
production manager before any tool is ordered from vendor.

• Upon arrival of all controlled tools at the CALPIA warehouse, the
warehouse manager or designee shall:
  • Notify the sergeant assigned to industry and the designated tool
control representative.
  • Check controlled tools and tool related material against purchase
order or subpurchase order to assure inventory received.
  • All received controlled tools shall be locked in a secure storage
area under the direct supervision of the warehouse manager or
designated employee.
• Ensure the inventory of requesting area is updated to include the needed tool on inventory card which specifies tool description and quantity.
• Before issue, tools shall be scribed and color coded to the ordering unit by the designated tool control representative. (See DOM 52040.5.)

52040.13.4 Education Division
The education division (academic and vocational) shall maintain inventories and control of all tools in the individual classes/shops. Tool rooms are located in each vocational shop area and a central tool room for the academic area. Each shop/class shall maintain only those tools needed for every day use and equipment maintenance. Shop supervisors and class instructors shall control and inventory tools in their shop or class area. Examples are, but are not limited to:
• Academic classrooms.
• Air conditioning.
• Auto mechanics.
• Culinary arts/meat cutting/baking.
• Drafting.
• Landscaping.
• Library.
• Machine shop.
• Masonry.
• Print shop.
• Radio/TV repair.
• Shoe repair.
• Arts in Correction.

52040.13.5 Culinary
Revised April 29, 1991
All tools used in the preparation and serving of food in the culinary area shall only be used under direct supervision of culinary staff. When not in use, tools shall be kept in a security locked box. In addition to inventory checks covered in DOM 52040.8, an inventory check shall be made prior to starting and after closing culinary operations by staff designated by the Warden or RPA and noted on the inventory log. The time of the inventory check shall be noted on the watch commander’s report (Daily Report of Watch Activities). Any discrepancies shall be noted. Examples of tools are, but not limited to:
• Knives.
• Ladles.
• Long-handled spoons (over six inch handles).
• Long-handled forks (over six inch handles).
• Rotating discs from potato peeling machine.
• Band saw blades.

Note: When a band saw blade breaks or becomes unusable, it shall not be replaced until the blade is measured to ensure the total number of inches conforms with the replacement blade.

52040.13.6 Personnel Dining Area (Snack Bars)
Revised April 29, 1991
Tools for employee dining areas (snack bars), which use inmate workers, shall be coded, inventoried, and controlled by this procedure. Since tools are received by direct purchase, the snack bar manager shall add the new tools to the snack bar inventory and code the tools in compliance with the institutional identification system. Inventory control shall be on a daily basis by the snack bar manager.

52040.13.7 Medical Surgical Area
All surgical tools shall be kept in secured cabinets in locked rooms. A complete inventory log shall be maintained in the locked cabinet. Each set of tools shall be visible on cabinet shelves. Only medical staff shall have access to and are accountable for the issuance of these tools. Under no circumstances shall inmates have access to the room or use of the tools without nursing staff or custody staff being present. After a surgery is completed, the tools shall be cleaned and accounted for by the nursing staff. All syringes and needles shall be kept under lock and key in designated areas.

Infirmary
Tools for the infirmary examination room and emergency treatment room shall be stored in locked instrument cabinets. Access to the instrument cabinets is limited to authorized medical staff. The authorized staff shall conduct an inventory of the instruments prior to leaving the work area for breaks, lunch, and at the end of their shift.

Note: The CMO shall be accountable for the total tool inventory for medical services. Due to the nature and size of tools (instruments), coding by institutional identification system may be impractical.

Dental Area
Dental tools shall be kept in security cabinets secured in the dental area. Each cabinet shall have an inventory sheet of the tools in the cabinet. Inmates shall not handle the equipment unless a dentist is present and has given approval. When not in use by a dentist, syringes and needles shall be secured in the dental operatory.

52040.13.8 Firehouse
A secure tool cabinet shall be located in the firehouse equipment room. The fire chief shall control and inventory the tool cabinet. Each tool box, utilized for fire equipment within the department, shall have a clearly posted inventory card for tools maintained in the box. The fire chief shall check and maintain an accurate daily inventory of each assigned firehouse tool box.

Firehouse tools shall be coded by the institutional identification system.

52040.13.9 Inside Security Areas
All tools obtained for use of various inmate work crews inside the security area shall be controlled and inventoried daily by the inmates’ supervisor. Supervisors shall also check the tools prior to leaving the area for breaks, lunch, and at the completion of their shift. All tools shall be coded by institutional identification system. Examples of these areas are, but not limited to:
• Barber shops (staff and inmate).
• Canteen.
• Chapels.
• Clothing room.
• Control room (including emergency tool boxes).
• Housing units.
• Inside gardening crews.
• Locksmith.
• Receiving and release.
• Recreational/gym areas.
• Visiting room.
• Law library.

52040.13.10 Outside Security Areas
All tools for maintenance and use outside the security area of an institution shall be inventoried and controlled by the designated supervisor. Each area shall have a security storage area and inventory cards/sheets therein to ensure all tools are maintained and controlled. Examples of these areas are, but not limited to:
• Armory.
• Family visiting.
• Garage.
• Gardening crews.
• Range.
• Service station.
• Sewage plant.

52040.14 Outside Contractors
The Chief of Plant Operations shall provide technical instruction on projects, location of projects, types of materials and other security precautions to contractors during any construction within the security area. Exceptions to this shall be approved by the respective captain.

Tools provided by contractors working inside the security area shall be inventoried each day by the sallyport officers as the contractor enters and exits the area. The escorting employee and the contractor shall ensure that no tools are left in the area when the contractor exits the facility.

52040.15 Staff State Tools
Supervisors carrying tools for work details inside the security perimeter shall control tools, when not in use, in secured locked tool boxes and/or tool lockers. Each set of tools shall have an inventory card/sheet to ensure all tools taken into an area are removed from the area.
52040.16  Staff Personal Tools
At times, employees feel that there is a need to use personally-owned tools or equipment within the institution in performing their assigned duties. This shall be permitted if written approval is obtained from the Warden prior to tools being brought into the institution. All personal tools when brought into or taken out of the institution shall be inventoried daily by the sallyport officer.

52040.17  Revisions
The Deputy Director, Institutions Division, or designee, shall ensure that the content of this section is current.

52040.18  References
Revised April 29, 1991
PC §§ 2707, 5057 and 5058.
CCR § 3303(c).
ACA Standards 2-4192, 2-4195, and 2-4197.

ARTICLE 19 — ARREST, SEARCH, AND SEIZURE
Revised December 16, 2014

52050.1  Policy
Pursuant to the Penal Code, the Secretary has established a system of searches in the maintenance of safety and security of each correctional facility.

52050.2  Purpose
This Article provides the proper process of arrest, searches, and seizures within the Department. The performance of the functions of arrest, search, and seizure shall be in accordance with all laws, rules, and regulations pertaining to those functions. Due process shall be afforded in all cases where applicable.

52050.3  Responsibility
Each Warden shall implement, govern, and monitor training of all persons who shall be required to conduct searches in departmental facilities.

52050.4  Peace Officer Defined
Any correctional employee who meets the requirements as outlined in PC 830.5 is a peace officer.

52050.5  Definition of Arrest
An arrest is taking a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person.

52050.5.1  Definition of Detention
Detention is the stopping of a person, other than an inmate, by a peace officer, for the purpose of conducting a brief investigation into the identity of the person and the nature of their presence when the officer reasonably suspects the person may be involved in criminal activity. Any Department employee is authorized to stop and detain any inmate for the purpose of determining their identity and ascertaining the nature of their activity.

52050.5.2  Definition of Seizure
The taking, confiscating, possession or custody of contraband as outlined in DOM 52051.

52050.6  Formalities in Making Arrest; Exceptions
The officer making the arrest shall inform the person being arrested of:

• The intention to arrest.
• The cause for the arrest.
• The authority to make the arrest, except when the officer effecting the arrest reasonably suspects that the person to be arrested is actually engaged in the commission of a crime, or the person to be arrested is pursued immediately after its commission, or after an escape.

The requirement that the officer inform the person to be arrested of the authority to arrest shall be deemed satisfied when the officer is in full uniform and is clearly visible to the arrestee.

52050.7  Miranda Rights
Revised November 16, 2017
Any peace officer effecting an arrest of a suspect of a criminal offense shall advise that person of their constitutional rights pursuant to the Miranda decision prior to engaging in direct questioning. In an institutional setting, when an arrestee/inmate is taken into custody, by being placed in a more restrictive environment than would be considered normal and is suspect in a criminal offense, they shall be advised of their Miranda Rights.

The inmate/suspect arrestee shall be advised of their Miranda Rights prior to any interrogation, by reading verbatim the following to the arrestee in a language that he/she understands.

• You have the right to remain silent.
• Anything you say can and will be used against you in a court of law.
• You have the right to consult an attorney and to have an attorney present with you during questioning now or in the future.
• If you cannot afford to hire an attorney, one will be appointed for you at no charge.
• Do you understand each of these rights as I have explained them to you?
• Now that I have explained your rights, are you willing to make a statement without an attorney present?

The arresting officer shall, whenever practical, ensure that another peace officer is present when the arrestee is advised of these rights and the answer to these questions, along with any statement provided after a waiver of these rights, shall be documented in the appropriate incident reports. An inmate has no right to silence during questioning by any Department staff member regarding non-criminal Department violations.

52050.7.1  Electronic Recordation
Revised November 16, 2017
The custodial interrogation of any person, including an adult or a minor suspected of committing murder shall be electronically recorded on video in its entirety. An audio recording shall be acceptable when no video is available. The video recording is required when an interrogation is held in connection with a criminal offense that has been, or may be filed against the inmate/suspect arrestee for murder. This includes any correctional or detention facility. Staff shall be required to maintain an exact copy of the electronic recording of the interrogation until such time a conviction relating to the interrogation is final and all direct appeals are exhausted. Staff shall not be required to electronically record a custodial interrogation under any of the following circumstances:

• Electronic recording is not feasible because of exigent circumstances. Staff shall document an explanation of the exigent circumstances on an 837-C Incident report.
• The inmate/suspect arrestee refuses to participate, or refuses to participate in any further in an electronically recorded interview. If feasible, the inmate/suspect arrestee statement refusing to participate shall be electronically recorded. Staff shall document that refusal in writing on an 837-C Incident report.
• Staff shall not be required to electronically record a custodial interrogation by another law enforcement agency occurring in that agencies jurisdiction.
• If an interrogation occurs when no electronic recording is required, the individual reveals facts and circumstances, giving staff conducting the interrogation reason to believe that murder has been committed, the interview shall be terminated immediately. Staff shall only proceed with the custodial interrogation being electronically recorded pursuant to this section.
• Staff shall not be required to electronically record an interrogation if it is believed that doing so would disclose the identity of a confidential informant and/or jeopardize the safety of anyone including the individual being interrogated. An explanation of the circumstances shall be documented on an 837-C Incident report.
• No electronic recording shall be required when there was a failure or malfunction of the recording device, after a reasonable time for maintenance, repair and/or replacement has been allotted. An explanation of the circumstances shall be documented on an 837-C Incident report.
52050.7.2 Beheler Advisement

Revised November 16, 2017

Any person not under arrest, who is voluntarily participating in an interview and is free to terminate that interview at any time, shall be advised that any statements made are admissible in a court of law. In the aforementioned circumstance, staff shall not be required to read that person their constitutional rights pursuant to the Miranda decision.

52050.8 Planned Arrest Procedure

Whenever possible, every arrest shall be planned to minimize risk of injury to staff, inmates, or to the public, or to destruction or damage to state property. Plans for arrests shall be formulated by or in conjunction with, or reviewed by the peace officer’s supervisor. Plans for arrests shall consider at a minimum:

- Facts and circumstances of the criminal violation for which the person is being arrested.
- Criminal history with emphasis on potential for resisting arrest by use of weapons or dangerous instruments.
- The location of arrest and potential interference of other inmates or persons, or the potential risk to uninvolved inmates, other persons, or staff.
- Determine any special equipment needed.
- Determine tactics to be used.

52050.9 Unplanned Arrest Procedure

The peace officer may unexpectedly discover a person engaged in a criminal act requiring prompt arrest. The decision to arrest must be made quickly and without the opportunity to confer with their supervisor.

The officer shall promptly communicate to other staff the present situation and the need for assistance. Depending on the circumstances of the situation, the officer may need to take immediate intervening action before arrival of additional staff assistance. In this case, the officer should consider the elements of risk involved in effecting the arrest including:

- Facts and circumstances of the criminal violation for which the person is being arrested.
- Potential for resisting arrest by use of weapons or dangerous instruments in the immediate area.
- The location of arrest and potential interference of other inmates or persons, or the potential risk to uninvolved inmates, a victim, or other persons, or staff.
- Determine the most appropriate tactics to be used given available resources and response time of responding staff.

52050.10 Restraint Gear

Employees shall use only State-issued handcuffs, handcuff keys and other restraining equipment during the course of their duties. The possession of privately owned handcuffs, handcuff keys, and other restraint equipment is prohibited on institutional grounds.

52050.10.1 Restraint Gear – Handcuffs/Handcuff Keys

The Wardens shall procure and issue State-owned handcuffs/keys to all personnel occupying the following posts:

- All uniformed custody personnel with inmate contact assigned to AD-SEG, PHU, SHU, Management Control Unit (MCU), psychiatric unit, or outside inmate work crew.
- All uniform custody personnel with inmate contact assigned to general population housing unit.
- All personnel assigned to a security squad.
- All personnel assigned to search and escort duties.
- All yard officers.
- All transportation details.

52050.10.1.1 Issuance

State owned handcuffs/keys shall be issued on receipt of metal key tags bearing the employees name. The tags shall be placed on the respective handcuff/key board hook. (Refer to DOM 55020.14 Key/Locking Device Control).

52050.10.2 All Restraint Gear

All State owned restraint equipment, including handcuffs, shall be etched with the institution.regions initials (SQ, CMF, CTF, etc.) where the equipment is used and numbered for identification.

- Restraint gear shall be stored in an area inaccessible to inmates. Each area shall have provisions (hook boards, etc.) for individual and sets of restraint gear for daily and operational use.

52050.10.3 Restraint Gear Use

All personnel who are required to apply restraint equipment shall be knowledgeable and competent in the following areas:

- Departmental handcuff and restraint gear policy.
- Methods for practical application of handcuffs and restraint equipment.

Mechanical restraints may be used under the following circumstances:

- When transporting inmates.
- When there is a reason to suspect an inmate may engage in violence, where bodily injury may occur, based on present behavior or apparent emotional state.
- Under medical advice to prevent the inmate from suicide or self-inflicted serious physical injury.
- Under no circumstances shall mechanical restraints be used for punitive purposes. When mechanical restraints become necessary, no restraint equipment shall be placed about the neck or applied in any way as to inflict physical pain, undue physical discomfort, restriction of blood circulation, or breathing.

Restraint equipment shall not be used to secure an inmate to a stationary object except as a temporary measure. During transport, an inmate shall not be secured by any keyed locking device or equipment to any part of the transporting vehicle.

When mechanical restraint is required, handcuffs alone or attached to a waist chain shall be the usual method. Other specialized restraints, such as leg irons or additional chains, may be permitted only when it appears that immediate circumstances exist to justify the use of such mechanical restraints.

For application of restraint gear on pregnant inmates refer to Care, Treatment, and Security of Pregnant Offenders, DOM 54045.11.

Note: The use of specialized mechanical restraints shall be documented except when an inmate is being transported outside the institution.

52050.11 Loss of Handcuffs/Keys

Loss or the misplacing of handcuffs and/or keys shall be reported immediately to the employee’s supervisor, who shall notify the watch commander. A written report shall be submitted by the responsible employee.

52050.12 Application

For application of restraint gear refer to Transportation, DOM 55060.

52050.13 Restraining a Private Citizen

The use of mechanical restraints (handcuffs) to physically restrain or control a private citizen on institutional grounds is authorized only when an arrest is being made for a misdemeanor or felony. A supervisor shall evaluate the necessity to apply mechanical restraints prior to their use unless the citizen attempts to flee, escape, or physically refuses to submit to arrest. Once the private citizen has been restrained with handcuffs they shall remain cuffed until a disposition has been made by the local police authority.

52050.14 Search Policy

All managers and supervisors shall ensure their subordinates are aware of and comply with this search policy. Searches include:

- Unannounced and irregular timed searches of cells, dormitories, and living areas, inmates, residents, and their work and assignment areas.
- Frequent search and careful supervision of inmate workers both inside and outside the security area.
- Inspection of all vehicular traffic, supplies, packages, and mail entering the institution.
- Use of metal detectors wherever feasible.
- Complete search and inspection of each cell or living area prior to occupancy by a new inmate.
- Avoidance of unnecessary force, embarrassment, or indignity to the person being searched.
- Written authorization by the Warden or designee to conduct searches of visitors and their property.
52050.15 Search of Employees

As with all persons who come on the grounds or into the institutions and facilities of the Department, all persons employed by the Department are subject to inspection and search of their person, property, and vehicles, to the extent deemed necessary by the official in charge. Consent to search is a condition of employment which may not be withdrawn while in or on the grounds of an institution or facility of the Department.

- The appropriate supervisor/administrator shall inform each new employee of departmental consent to search policy.
- An employee may be subjected to a more intensive search than is normally required when the official in charge has reasonable suspicion that the employee is involved in the unauthorized or unlawful possession or movement of anything into or out of an institution or facility of the Department. Such an intensive search may include the employee’s person, vehicle, and any locker, desk, or storage space assigned to or used by the employee.
- When the intensive search includes the employee’s assigned locker, desk, or storage space provided by the Department, it shall be searched in the employee’s presence, or with his/her consent, or with prior notification that a search will be conducted, or after a valid search warrant has been obtained. Whenever possible the employee shall be present during the search.
- When an employee is subjected to a more intensive search than is normally required, the employee shall be informed of the reason for the search and of the name of the official ordering the search before the search begins.
- Any search of an employee’s person which involves the touching of the employee’s clothed body or visual inspection of the employee’s unclothed body shall be conducted in private and out of the sight and hearing of other employees and inmates. Such searches shall only be conducted, observed, and supervised by officials of the same sex as the employee.
- An intensive search of an employee’s person, property, or vehicle shall be conducted by not less than two officials, at least one of whom shall be of a supervisory rank to assume official responsibility for the search.
- The intensive search of an employee’s person, property, or vehicle shall be verbally reported to the administrator of the institution or facility or to the department official immediately upon completion of the search. This shall be followed with a written report to the administrator and an incident report to the Director if the search discloses or confirms any suspected criminal activity.

52050.16 Searching Inmates – Housing Unit

Post orders shall require that a minimum of three cells, rooms, dorms, or living areas in each housing unit is searched daily on each of the second and third watch shifts by the assigned unit officer. Insofar as possible, a cell, room, dorm, or living area and locker shall be searched immediately upon its vacancy and again, if there is a significant time lapse, before it is reassigned. Such inspections are required and shall be recorded for segregation, Disciplinary Detention, and SHU cells. Every reasonable precaution shall be taken to avoid damage to personal property and to leave the inmate’s quarters and property in good order upon completion of the search.

52050.16.1 Work and Non – Housing Area

Teachers, work supervisors, and instructors shall make a daily security and contraband search of the areas they supervise. Custody officer post orders shall require ongoing search each day and a thorough search of each inmate, work area, assignment shop, and classroom once each week. Inmates are subject to an inspection of their person either clothed or unclothed when there is reasonable suspicion that the inmate may have unauthorized or dangerous items or substances concealed on their person. Such inspection may also be a routine requirement for inmate movement into or out of high security risk areas. Random or spot-check inspections of inmates shall occur as a means to prevent the possession and movement of unauthorized and dangerous items and substances into, out of, or within the facility.

52050.16.2 Reasonable Suspicion

A clothed body search may be initiated when there is reasonable suspicion based on articulable facts, circumstances, and rational inferences that a person has committed, is committing, or is about to commit a crime.

52050.16.3 Clothed Body Search of Male Inmates

Custody post orders shall require random clothed body searches of inmates, or when reasonable suspicion is established. Random search should be no more frequent than necessary to control contraband or to recover missing or stolen property; however, the routine search of inmates entering or leaving certain specified areas is not precluded.

- All institution staff are responsible for conducting random searches.
- This is a basic search alerting staff to possession of weapons or other serious contraband.
- A search shall be conducted with the inmate facing away from the staff member.
- Staff shall search inmates from the top of their head to the bottom of their feet, including shoes, all pockets, seams, and personal effects.

52050.16.4 Clothed Body Search of Female Inmates

Revised July 1, 2015

Body search procedures for clothed female inmates recognize, address, and minimize the effects of cross-gender contact inherent in the body search process by limiting this function to female correctional staff unless an emergency exists that threatens death, inmate escape, or great bodily injury to staff, inmates, or visitors.

Custody post orders shall require random clothed body searches of inmates, or when reasonable suspicion is established. Random search should be no more frequent than necessary to control contraband or to recover missing or stolen property; however, the routine search of inmates entering or leaving certain specified areas is not precluded.

- This is a basic search alerting staff to possession of weapons or other serious contraband.
- A search shall be conducted with the inmate facing away from the staff member.
- Staff shall search inmates from the top of their head to the bottom of their feet, including shoes, all pockets, seams, and personal effects.

Clothed Body Searches of female inmates shall be conducted by female correctional staff only, except in emergency situations as follows:

- When circumstances exist that require an immediate search of a female inmate in order to avoid the threat of death, escape, or great bodily injury to staff, inmates, or visitors, and only until sufficient numbers of female correctional staff are available to assume critical body search duties.
- Clothed Body Searches performed by male correctional staff during the emergency circumstances described above shall sweep the inmate’s breast and genital area with the back of the hand for the purpose of discovering contraband directly related to the threat posed by the emergency. If cause exists for a more thorough search, the female inmate shall be detained until a female correctional staff member is available to conduct the search.
- At any time a male correctional staff member conducts a pat-down search of a female inmate, the search shall be documented. This documentation shall be completed utilizing a Notice of Unusual Occurrence which shall be reviewed by the supervisor and routed to the institutional PREA Compliance Manager (PCM). The PCM shall retain the complete document, in accordance with the Records Retention Schedule, for audit purposes.

Under no circumstances shall male correctional staff perform non-emergency clothed body searches of female inmates.

52050.16.5 Unclothed Body Search of Inmates

Revised July 1, 2015

Unclothed body searches:

- Correctional personnel, other than qualified medical staff, shall not conduct unclothed body inspections or searches of an inmate of the opposite sex, except in an emergency.
- Inmates assigned to designated areas, (i.e., vocational programs, industries, plant operations, warehouse, outside crews, etc.), may be subject to unclothed body searches before returning to the institution’s general population.
- Routine unclothed body searches shall be conducted in a safe manner and in an area that allows the inmate to preserve some measure of
dignity and self-respect. Routine unclothed body searches shall not be completed by staff of the opposite biological sex.

- The inmates shall be required to remove all articles from their pockets. All articles shall be inspected by staff. If it is suspected that an inmate is in possession of dangerous contraband, the inmate shall be detained and closely observed until there is sufficient staff to conduct a "safe" search. In this circumstance, the staff member conducting the search shall initially conduct a clothed body search and remove all articles from the inmate's person rather than allow the inmate to remove them.
- The inmate shall then completely disrobe. Staff shall inspect and search each item of clothing and visually inspect the inmate's body.
- The inmate shall face the staff member who shall visually inspect the inmate's hair, ears, mouth, nose, body, armpits, hands, scrotum, genitals, and legs. The inmate shall turn away from staff upon instruction and staff shall then inspect the inmate's back, buttocks, thighs, toes, bottom of the feet, and lastly, the anal area by having the inmate bend over, spread the cheeks of their buttocks, and cough.

Unclothed body searches of inmates by staff of the opposite biological sex shall only be conducted in emergency situations. If a cross gender unclothed body search is required, the search shall be documented. This documentation shall be completed utilizing a Notice of Unusual Occurrence which shall be reviewed by the supervisor and routed to the institutional Records Management. The PCM shall retain the completed document, in accordance with the Records Retention Schedule, for audit purposes.

52050.16.6 Unclothed or Clothed Body Search of Inmates in Enhanced Outpatient Program Administrative Segregation Hubs and Psychiatric Services Units Effective January 30, 2015

Inmates shall be scheduled to an unclothed body search as described in Section 52050.16.5 upon their initial placement into designated Enhanced Outpatient Program Administrative Segregation hubs and Psychiatric Services Units.

Unclothed body searches shall be conducted within the cell unless the physical design prevents visibility, at which point the inmate will be escorted to an alternate private/secure setting where the unclothed body search will be conducted.

Inmates exiting the unit will be subject to an unclothed body search as described in Section 52050.16.5 and scanned with a metal detector.

Inmates returning to the unit who have been under constant staff supervision shall not be subject to an unclothed body search but shall be subject to a clothed body search as described in 52050.16.3 and scanned with a metal detector.

Inmates removed from their cell for routine activity in the unit shall be subject to a clothed body search as defined in 52050.16.3 and scanned with a metal detector.

When circumstance exists that would lead an objective, trained, and competent Correctional Officer to believe it is necessary, he or she can perform an unclothed body search as described in 52050.16.5. These searches shall be noted on the CDC Form 114-A, Inmate Segregation Record. These searches shall only be conducted when necessary to control contraband or recover missing or stolen property.

52050.16.7 Unclothed and Clothed Body Searches of Transgender or Intersex Inmates Effective July 1, 2015

In the event that there is an individual going through Receiving and Release (R&R) who self-identifies as transgender or self-identifies with a gender that seems not to match their biological sex, the search will be conducted by staff of the same biological sex as the inmate to be searched.

In the event that an individual’s genital status is ambiguous, the search shall be conducted by a staff member that is the same biological sex as indicated in the inmate’s records. (i.e., paperwork indicates male, inmate will be searched by a male staff member).

If staff are unable to determine the genital status through medical records or an interview with the inmate, the inmate shall be placed on single-cell status or in administrative segregation for his/her safety, until the standard intake medical examination is completed. This standard medical examination will establish the genital status of the inmate. Once the information is collected and documented on the CDCF Form 128-C3, the Institution Classification Committee should determine appropriate classification and housing placement.

Many inmates consider their sexual orientation and gender identity to be private information, and the widespread knowledge of this information could impact the safety and well-being of sexual minorities such as lesbian, gay, bisexual, transgender and intersex (LGBTI) inmates. This information is considered sensitive and should be handled in a confidential manner. The information should only be communicated to staff when there is a justified “Need to Know.” This information should never be communicated to other offenders. This will protect the rights and safety of the involved inmate.

52050.17 Clothed Body Search of Visitors

Any person coming onto the grounds of any Department facility or campus or any Department contracted facility, is subject to having their person, vehicle, and articles of property in their possession searched. Visitors to such a facility are subject to a routine inspection of their persons, vehicles, and any personal property in their possession. Such inspections shall be made to the degree consistent with the facility’s security needs.

When peace officer staff determine that there is reasonable suspicion that the visitor is engaged in criminal activity including, but not limited to, the smuggling of unauthorized items or substances in or out of the institution, the visitor may be subjected to a thorough clothed body search.

- Each correctional facility shall provide for the posting of a warning sign, in English and Spanish, at the entrance onto the property stating: “Entrance constitutes consent of search of visitor's person, property, or vehicles.”
- For detail information for searching inmate visitors, refer to DOM 54020.
- Contraband that has been seized as evidence in a search of a person, other than an inmate, shall be turned over to the responding law enforcement agency.
- A visitor may refuse to submit to an inspection or search. A refusal shall result in the visitor being denied entrance to the facility.

If there is reasonable suspicion that the person is engaged in felonious activity and that evidence of such crime may be destroyed or disposed of if a search is not immediately conducted, the peace officer, with the concurrence of the watch commander, may detain the person and the property or vehicle to be searched until such time as a search warrant can be obtained. In all such cases the Warden or their designee will be immediately advised of the circumstances and a decision made about the course of action to be pursued.

52050.18 Family Visit Search

Visitors to family visiting units shall be searched to ensure that no contraband or unauthorized items enter the institution grounds.

- Duringprocessing of inmate visitors, all authorized items to be brought into the institutional family visiting area shall be thoroughly searched.
- Items which are not authorized shall not be allowed inside the institution and shall be secured off the institutional grounds by the visitor.
- In the event felonious contraband (weapons, narcotics, etc.) is discovered in the possession or in the property of a visitor, procedure as described in DOM 52050.17 shall be followed.

52050.19 Body Cavity Search

Correctional personnel, other than qualified medical staff, shall not conduct a search of an inmate’s body cavities, other than visual or metal detector inspections. The search shall be conducted in a medical setting and any physical intrusion into body cavities shall be performed by a physician.

52050.19.1 Probable Cause

A body cavity search of inmates shall only be initiated when there is probable cause to believe the person has secreted contraband within a body cavity. Prior to initiation and before each escalation of the search, the individual shall be given ample opportunity to voluntarily remove or surrender the contraband. Probable cause may be established by:

- Reliable confidential information.
- Irregularities found in the body cavities.
- Detection of contraband on the person.

Note: Probable cause is not dependent upon the outcome of the search.

52050.19.2 Authorization to Search

Authorization to initiate a body cavity search requiring any degree of intrusion shall be given by the Warden or designee after consideration of all information relating to probable cause.
52050.19.3 **Supervision of Searches**

All searches other than an initial visual or metal detector inspection and each progressive step shall be under the general supervision of a supervisory staff member not less than the level of lieutenant.

52050.19.4 **Oral Cavity Searches**

When an inmate is suspected of having secreted contraband in their mouth or attempts to swallow the evidence, no attempt shall be made to retrieve the contraband by force. A choke hold or any other physical restraint which prevents the person from swallowing or breathing shall not be used. If probable cause exists that evidence has been swallowed and that it is retrievable in usable form, the search process may be intensified as provided in this Article, (see Contraband Surveillance Watch).

52050.19.5 **Methods**

In conducting any search of an inmate’s body cavities, all persons involved shall be sensitive to the personal dignity of the individual and the individual's right to privacy of their own body. However, such rights may be abrogated to the extent necessary to preserve the security of the institution and the safety of persons.

52050.20 **Degrees and Types of Searches**

The degree and intensity of the search shall be that least required to bring the search to a conclusion. As the search progresses, with each new piece of evidence to support the presence of contraband, the person shall be given ample opportunity to voluntarily remove and surrender the contraband.

The types of searches include:
- Visual and metal detector searches.
- X-ray examinations.
- Physical intrusions by a physician.
- Physical isolation and observation.

52050.21 **X-Ray Examination**

X-ray examinations for the purpose of confirming the ingestion of contraband or concealment of contraband in body cavities shall be utilized only upon approval of a medical doctor and under the same medical requirements and precautions as apply to x-ray examinations for other medical reasons. An x-ray examination shall be ordered and interpreted only by a physician, who shall make the following determinations:
- Whether or not a foreign object(s) is within the inmate’s body.
- A determination, if possible, of the nature of any foreign object(s).
- The effects of forcible removal or failure to remove the foreign object(s) upon the inmate’s health and safety.
- Recommendations for consideration regarding the least intrusive way to retrieve the contraband.

52050.22 **Forcible Retrieval**

The forcible retrieval of contraband by intrusion into the inmate’s body shall be avoided except as follows:
- When a medical doctor has determined that failure to remove the contraband presents an imminent danger to the life of the inmate.
- The contraband is clearly identifiable and constitutes an imminent threat to the security of the institution or the safety of other persons.
- The contraband cannot be retrieved by any less intrusive or forcible manner.
- Surgery. Surgical removal of contraband from the body of an inmate shall be the decision of the institution’s CMO, and in keeping with rights of the individual as would apply in any other surgical process.

52050.23 **Contraband Surveillance Watch**

The objective of placing an inmate on Contraband Surveillance Watch (CSW) is to retrieve concealed contraband without physical intrusion if possible; ensure that contraband is not circulated into the inmate population; and ensure the safety of the inmate suspected of having the concealed contraband.

When it becomes apparent through medical examination, direct observation, or there is reasonable suspicion that an inmate has concealed contraband in their body, either physically or ingested, and the inmate cannot or will not voluntarily remove and surrender the contraband, or when a physician has determined that the physical removal of contraband may be hazardous to the health and safety of the inmate, the inmate may be placed in a controlled isolated setting on CSW under constant visual observation until the contraband can be retrieved through natural means, or is voluntarily surrendered by the inmate.

This natural digestive process shall be used as an alternative to forcible intrusion into body cavities or surgery when a medical doctor determines that the natural method is feasible and does not pose a hazard, clear and present danger, or imminent threat to the inmate’s health and safety. Each institution shall provide their respective Associate Director (AD) and Investigative Services Unit (ISU) a weekly CSW report (CSW Tracking Report). The CSW tracking report is due at noon each Monday (or next business day if the Monday falls on a holiday) and shall cover the period of the previous week (Monday thru Sunday). This report shall reflect all inmates on CSW for that period. The information contained in this report shall be forwarded by California Department of Corrections and Rehabilitation (CDCR) Headquarters’ staff to the Office of the Inspector General on a weekly basis.

52050.23.1 **Authorization and Approval**

The request to place an inmate on CSW shall be made by the on duty Watch Commander, and approved at the level of Captain or above during business hours, or by the Administrative-Officer-of-the-Day (AOD) during non-business hours, on weekends or holidays.

Normally, inmates should be retained on CSW for a period of 72 hours, or until the inmate has provided at least three bowel movements free of contraband. When it is determined by medical or custodial staff that the inmate may still be in possession of contraband at the conclusion of the 72-hour time period, a search warrant, in cases where probable cause exists, shall be generated to retrieve the contraband. The search warrant shall be authorized at the level of Warden or Chief Deputy Warden (CDW). If a valid search warrant/court order is obtained, the contraband retrieval process shall be conducted in accordance with the warrant/court order; California Code of Regulations (CCR), Title 15, Section 3287(b)(5); and Department Operations Manual (DOM), Section 52050.19.

Retention of an inmate on CSW for a second 72-hour period may only be authorized by the Warden or CDW. Retention of an inmate on CSW beyond six days may only be authorized by the Director, Division of Adult Institutions (DAI) or Deputy Director, Facility Operations, DAI.

The justification for each 72 hour CSW extension (e.g., the inmate only had one bowel movement within the 72 hours) shall be clearly articulated and reflected on a CDC Form 128B General Chrono. The CDC Form 128B shall be generated by the manager responsible for the area in which the inmate is currently housed. The reason for the 72-hour extension shall also be noted on the weekly CSW tracking report.

### CSW Placement/Retention Approval Matrix

<table>
<thead>
<tr>
<th>CSW PERIOD</th>
<th>APPROVAL LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 72 hrs</td>
<td>Captain or above</td>
</tr>
<tr>
<td>Second 72 hrs</td>
<td>Warden or CDW</td>
</tr>
<tr>
<td>Seven days or more</td>
<td>Director, DAI/Deputy Director, Facility Operations, DAI (72 hour increments)</td>
</tr>
</tbody>
</table>

Note: All CSW Placement/Retention approval periods will be in 72 hour increments.

52050.23.2 **Isolated Settings**

Inmates on CSW shall be placed on Administrative Segregation status in accordance with CCR, Title 15 Sections 3335 and 3336, issued a CDC Form 114D, Administrative Segregation Unit Placement Notice, and housed in an isolated setting for the duration of the CSW to meet the objective of retrieving the concealed contraband. The CDC Form 114D shall be issued by the official ordering the CSW placement and a copy distributed, within 24 hours of the placement, to the Warden, Captain responsible for the initial review of CDC Form 114D, and institution ISU. The Warden's office shall ensure that a copy of the CDC Form 114D is forwarded to the respective AD by the first business day subsequent to the issuance of the CDC Form 114D.

Upon receipt of the CDC Form 114D, ISU staff shall conduct a review of the CSW placement to determine the viability of obtaining a search warrant to retrieve the contraband. If a search warrant to retrieve the contraband is deemed appropriate (i.e., probable cause established, etc.), ISU staff shall prepare a search warrant as directed by the Warden or CDW. An x-ray request shall be part of the search warrant. The search warrant shall be sent to the court/judge for resolution directly after the initial 72 hours of the inmate’s CSW placement has elapsed.

The isolated setting shall be a cell that can provide the necessary security precautions of the institution/facility and large enough to accommodate a fully extended sleeping mattress. This setting may be in a general population area or in a segregated housing unit of the institution (i.e., Administrative Segregation or Security Housing Unit).

In a medical emergency situation, or when it is determined by a physician or other medical personnel (e.g., Physician Assistant, Nurse Practitioner,
Registered Nurse) that the concealment of the contraband poses an imminent threat to the inmate’s health and safety, the inmate shall be placed in a medically approved isolated setting in a Correctional Treatment Center, Outpatient Housing Unit, or General Acute Care Hospital. In such cases, the security and custodial supervision, and CSW responsibilities shall remain with the custodial personnel assigned to CSW detail under the direction of the Watch Commander. The isolated setting/cell’s lights should be dimmed, as possible, during normal hours of darkness, if such action does not adversely impact staff’s ability to observe and monitor the inmate.

52050.23.3 Placement in Isolated Setting

Prior to the inmate being placed on CSW in the isolated setting, the following shall be accomplished:

- The Watch Commander shall ensure that a medical assessment of the inmate is completed by a physician or other medical personnel (e.g., Nurse Practitioner, Registered Nurse).
- The inmate shall be placed in a medically approved isolated setting in a Correctional Treatment Center, Outpatient Housing Unit, or General Acute Care Hospital. In such cases, the security and custodial supervision, and CSW responsibilities shall remain with the custodial personnel assigned to CSW detail under the direction of the Watch Commander. The isolated setting/cell’s lights should be dimmed, as possible, during normal hours of darkness, if such action does not adversely impact staff’s ability to observe and monitor the inmate.
- A CDC Form 114A, Inmate Segregation Record, shall be generated and maintained while the inmate is on CSW.
- The inmate shall be given an unclothed body search (see DOM, Section 52050.16.5).
- The isolated setting shall be thoroughly searched and cleaned.
- All moveable objects in the isolated setting shall be removed (except a mattress, blanket (from 2000 hrs to 0800 hrs) and stationary fixtures).
- The toilet (when present in the isolated setting) shall be covered in plastic and taped closed with the water turned off (if applicable).
- Female inmates shall be placed in a jumpsuit or two piece slip-on shirt and pants, one brassiere, one pair of panties, and one pair of socks. As an added method of security, inmates may be placed in two jumpsuits with the openings placed/worn in the opposite direction of each other.
- Male inmates shall be placed in one pair of boxer shorts, one T-shirt, and one pair of socks, or an approved jumpsuit or two piece slip-on shirt and pants with or without a T-shirt or boxer shorts. As an added method of security, inmates may be placed in two pairs of boxer shorts or two jumpsuits with the openings placed/worn in the opposite direction of each other.
- The legs and waist of the boxer shorts or slip-on pants and/or the arms and legs of the jumpsuit shall be taped closed to restrict the inmate’s access to their body cavities. Tape should never be applied in a manner to restrict circulation nor directly over the inmate’s skin.
- The inmate shall remain under constant visual observation at all times while on CSW. Inmates on CSW shall be checked by a correctional supervisor (Sergeant or above) once a shift. The purpose of this check is to determine the inmate’s wellbeing and ensure staff’s adherence to the CSW policy. All supervisory checks/reviews shall be documented on the inmate’s CDC Form 114A.

52050.23.4 Mechanical Restraints

The inmate shall be placed in handcuffs attached to a waist chain while on CSW. Leg restraints may be used in cases where custody staff determines the inmate poses a threat to the safety of himself and/or others, in accordance with CCR, Title 15, Section 3268.2. Use of Restraints.

Use of mechanical restraints on persons confirmed, or suspected by health care staff to be pregnant shall be subject to the following requirements (see also CCR, Title 15, Section 3268.2(e)):

- No leg restraints or waist chains shall be applied.
- If handcuffs are applied, the person’s arms shall be brought to the front of her body for application.
- Mechanical restraints shall not be placed on an inmate during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, unless circumstances exist that require the immediate application of mechanical restraints to avoid the imminent threat of death, escape, or great bodily injury. If such a threat exists, mechanical restraints may be used only for the period during which such threat exists (see CCR, Title 15, Section 3268.2(c)(5)). Four point restraints may be authorized if an inmate is disruptive or combative in accordance with CCR, Title 15, Section 3268.2(c), and when approved by the Chief Medical Executive (CME) or their designee. The use of four-point restraint equipment shall be documented in the inmate’s Uniform Health Record (UHR) in accordance with CCR, Title 15, Section 3268.2(f).
- Hand Isolation Devices (HID) may be used at an institution when authorized, in writing, by the Warden or CDW. HIDs shall be purchased from an approved vendor only. Prior to placing a HID on an inmate confirmed, or suspected by health care staff to be pregnant, a physician shall be consulted and any potential risks fully discussed. The final decision to place the device on the inmate shall rest with the Warden or CDW and the reviewing physician. The consultation and its outcome shall be documented for inclusion in the inmate’s health care record and central file. Inmates placed in a HID shall remain under constant and direct visual supervision at all times. In instances where a HID is used, staff shall update the inmate’s CDC Form 114A to reflect usage times and correlating actions (e.g., 1200 hrs – One HID was removed allowing the inmate to eat lunch). Equipment Hygiene – HIDs shall be cleaned and sanitized on an ongoing basis (e.g., If soiled after a bowel movement, after termination of the CSW, etc.). In order to provide range of motion to a restrained extremity, a CSW inmate should be allowed free movement of each arm and leg at least once on 2nd and 3rd watch. Each restrained extremity should be released for a free movement period of at least 5 minutes on 2nd and 3rd watch. As appropriate to the situation, only one extremity need be released at a time. The application of additional restraints (e.g., Leg Irons, HID, etc.) other than handcuffs and waist chain shall be documented on the inmate’s CDC Form 114A.

52050.23.5 Health and Safety Concerns

The inmate may be subjected to an x-ray examination in accordance with DOM, Section 52050.21 prior to their placement on CSW, and then again, thereafter, when it is determined to be necessary by the Chief Medical Executive (CME) or a physician. During the course of the CSW, if for any reason custodial staff observes a decline in the inmate’s health, or it is believed that the inmate’s health is affected by the concealed contraband, medical personnel shall be immediately contacted to conduct an assessment of the inmate’s condition. In a medical emergency situation, the CME may authorize a physician to perform an intrusive search and remove the contraband in accordance with DOM Section 52050.19 and CCR, Title 15, Section 3287(b)(5).

In the event a CSW inmate is transferred to an outside medical facility, notification shall be given to the Warden or CDW (during business hours) or the AOD (during non-business hours). In cases where the CSW inmate is admitted to an outside medical facility, the institution shall notify the respective AD within one business day of the admission.

Personal hygiene is an essential tool to maintain a healthy environment within an institutional setting and therefore each institution shall establish a process in which a CSW inmate is given the opportunity to wash (soap and water) his/her hands after each use of the restroom, prior to eating a meal, or when necessary to ensure appropriate hygiene. Running water may be substituted with a portable alternative such as a hand basin filled with water. During the periods in which an inmate is allowed to wash his/her hands, staff must take care to prevent the inmate from disposing of any contraband.

Isolated Setting Hygiene – The CSW isolated setting/cell’s cleanliness must be appropriately maintained while the inmate is on CSW.

52050.23.6 Equipment

The equipment required for contraband watch shall include, but is not limited to, the following:

- Flashlight
- Expandable Baton
- OC Pepper Spray
- Handcuffs with Key
- Waist Chain
- Leg Restraints (Based upon documented security need)
- Latex Gloves
- Disposable Mask
- Bed pan/porable toilet or toilet liner (clear plastic bag)
- Evidence Bags
- Tongue Depressor or Probe

CSW procedures shall be located within the assigned post orders, and on site for immediate referencing by staff assigned to observe the inmate on CSW. Institutions having a need to use alternate restraint equipment not reflected in DOM, Section 51020.6 must submit a request to their respective AD for review and approval. If the request is subsequently approved, the institution may then procure the equipment from an approved vendor only.

52050.23.7 Voluntary Bowel Movement

When the inmate requests to have a bowel movement, the custodial staff assigned to CSW shall:

- Request additional custody staff coverage. Only a staff member(s) of the same gender as the inmate shall monitor the bowel movement.
- Provide the inmate with toilet paper and a portable toilet, or use of the previously lined toilet in the isolated setting.
• Remove the necessary restraint gear to allow the inmate the ability to facilitate his/her bodily functions.
• Once the inmate has completed the bowel movement, the portable toilet or toilet liner shall be immediately retrieved or removed and the inmate will be re-secured in the restraint equipment.
• Using a tongue depressor or probe, the fecal matter shall be searched for any contraband. The assisting custody staff member shall maintain constant supervision of the inmate while the assigned Correctional Officer completes the search.
• The presence or absence of contraband shall be documented per institution procedure and on the inmate’s CDC Form 114A.
• If contraband is discovered, the contraband shall be processed as evidence in accordance with institution procedures, and documentation of the contraband shall be completed in accordance with DOM, Section 51030, Crime/Incident Reports, and a Rules Violation Report shall be completed.

52050.23.8 Removal from Contraband Surveillance Watch

The inmate may be removed from CSW when it is reasonably believed that the contraband has been relinquished or it is determined the inmate is contraband free. The request for the termination of an inmate’s placement on CSW shall be made by the on duty Watch Commander, and approved at the level of Captain or above during business hours, or by the AOD during non-business hours. A CDC Form 128B shall be generated by the staff member approving the CSW termination. The CDC Form 128B shall have, at a minimum, the date of CSW termination, the name and classification of the approving authority, and the findings relative to the contraband recovered. The date of CSW termination and the findings relative to the contraband recovered shall also be documented on the weekly CSW tracking report. All documentation (e.g., CDC Form 128B, CDC Form 114D, CDC Form 114A, etc.) relative to the inmate’s CSW placement shall be maintained in the inmate Central File and institution’s ISU office for the purpose of reference and audit.

52050.24 Documentation

The placement of an inmate on CSW shall be documented per institution procedures by the Watch Commander requesting the placement of the inmate on CSW in accordance with Section 52050.23.1 of this policy. Each employee assigned to the CSW detail shall document all activities related to the inmate on a CDC Form 114-A for the duration of the inmate’s placement on CSW. This includes, but not limited to, all searches performed prior to and during the inmate’s placement on CSW, meals, hygiene, bowel movements, health concerns, medications, etc. Each Correctional Officer assigned to the CSW detail shall sign in and out at the beginning and end of the CSW observation period on the CDC Form 114-A. The CME or their designee shall document all medical decisions or issues relating to the inmate during placement on CSW in the inmate’s UHR. Complete and detailed documentation of all body cavity searches other than visual or metal detector inspections shall be submitted to the Warden or their designee for review. The report shall include the following information:
• Chronology of events leading to the search and escalation of the search process.
• Name and rank of all persons participating in the search process or supplying information which justified the search.
• All evidence and information regarding the justification for each degree of the search.
• Results at the conclusion of the search.

52050.25 Vehicle Search – Visitors

Authorization to initiate a search of a visitor’s vehicle may be given by the watch commander after consideration of all information relating to reasonable suspicion (Refer to DOM 52050.19.1). Supervision of suspect vehicle search shall be limited to the supervisory rank of sergeant or above. Documentation shall be in accordance with DOM 52050.24.

52050.25.1 Vehicles Adjacent to Institutional Property

If probable cause exists warranting the search of a vehicle parked adjacent to institution property, the watch commander shall be notified and the driver and/or occupants of the vehicle shall be detained until the local law enforcement agency has been contacted and has responded.

Upon arrival of the local law enforcement agency, the Department peace officer shall apprise the law enforcement officer of all circumstances establishing probable cause for the detention. The local law enforcement officer shall then determine if a search should be undertaken. The Department peace officer shall remain present and render assistance and provide appropriate written reports to the agency as required.

52050.25.2 State Vehicles

All State vehicles shall be searched prior to use to ascertain that the vehicle is contraband free. When entering or departing the security perimeter, the vehicle shall be thoroughly searched by the custodial gate officer.

52050.25.3 Non-State/Common Carrier Vehicles

All non-state or common carrier vehicles are subject to search when entering or departing the institutional grounds. All non-state or common carrier vehicles shall be searched entering or departing the security perimeter of the institution.
• A systematic approach is essential to a thorough search. An effective search of a vehicle shall include passenger and freight compartments, trunk, motor compartment, roofs, and the undersides. A more thorough search, including hubcaps, under dash, spare tire, etc., shall be conducted if circumstances warrant or there is reason to suspect the presence of contraband.
• All vehicles leaving the institution shall be thoroughly searched to minimize the possibility of an inmate being concealed therein. Barrels and loads of loose materials such as leaves, refuse, etc., shall be thoroughly probed with a rod.

52050.25.4 Employee Vehicles

Covered in DOM 52050.15.

52050.26 Parcel Searches

• All correctional staff shall ensure inmates do not have access to any packages, parcels, mail, or containers entering the security area of an institution prior to proper inspection for contraband.

All incoming packages/mail addressed to inmates shall be inspected in accordance with DOM section 54010, Inspection of Incoming Packages/Mail.

52050.27 Canine Unit

Revised November 11, 2016

The California Department of Corrections and Rehabilitation (CDCR) canine unit is comprised of both illegal drug and contraband detection service dogs. Each departmental canine team is comprised of one certified canine handler and one certified canine service dog. All departmental service dogs shall be trained in the detection of illegal drug odor. Each canine team shall attend and successfully pass the Department’s 280-hour course of training in illegal drug detection and then certify in the methods of illegal drug detection. Upon successful completion, an illegal drug detection service dog will be able to detect the presence of the odor of marijuana, heroin, cocaine, methamphetamine, and derivatives of these illegal drugs. At the discretion of the Canine Lieutenant, illegal drug detection service dogs may also be trained in the detection of contraband odor. Contraband detection service dogs will be capable of detecting the presence of the odor of tobacco and cell phones. Each departmental canine handler and service dog shall be recertified annually by the Canine Lieutenant.

All air scan service dogs must attend and successfully pass the Department’s 120-hour course of training in passive canine air scan searching and then certify in the methods of passive canine air scan searching. Upon successful certification, the passive canine air scan team shall be able to complete passive air scans on people. Air scan service dogs must complete the Department’s 280-hour course of training in illegal drug detection prior to attending the Passive Canine Air Scan Academy. Only a Passive Response Certified Narcotic Detection Team with a minimum of six months of experience shall be considered for air scan training and certification.

Service dogs shall not be used for verification of suspected drugs. Such verification shall be performed in accordance with existing drug testing procedures.

The mission of the canine unit is to combat the introduction of illegal drugs and contraband into CDCR facilities and reduce the overall level of drug/contraband and criminal activity within the inmate population, thereby enhancing the safety and security of the institution.

Selection of canine handlers shall be based upon overall experience, honesty, maturity, dedication, and a professed affection toward dogs. Canine service dogs shall not be utilized for any purpose other than illegal drugs/contraband detection (i.e., cell extractions, escape details, response to violent incidents, event control, etc.). Only departmental assigned canine handlers shall normally handle departmental service dogs.

Responsibility

The Canine Lieutenant is responsible for purchasing, selling, retiring, or transferring of all service dogs and the training and coordination/utilization
of all departmental canine teams. The Canine Lieutenant shall also be responsible for ensuring all departmental canine teams are in compliance with established regulations and policies governing departmental canine unit operations.

Canine units are assigned to individual institutions and have a dual reporting structure. Each is part of a “Regional Unit” Northern, Central, or Southern Region based on geographical location. Direct supervision rests with the Investigative Services Unit (ISU) Lieutenant at the institution housing that canine team, and is responsible for daily Fair Labor Standards Act and staff accountability. The appropriate Regional Canine Coordinator maintains daily functional supervisory and scheduling responsibility for each canine unit. When the canine handler is not engaged in canine duties, the canine handler shall lend support with other ISU functions as needed.

**Injuries to a Canine Handler**

In the event a canine handler is injured during the performance of their duties and is unable to care for or provide control of his/her assigned service dog, another canine handler shall be called to secure the service dog. If another canine handler is not available, a non-canine staff member shall be directed to secure the service dog into the institution’s kennel facility until another canine handler can respond. At the earliest time possible, the service dog shall be transported to the Regional Canine Coordinator or Canine Lieutenant until such time the assigned canine handler is able to care for the service dog, or the dog is reassigned.

**Injuries to a Service Dog**

Canine handlers shall avoid situations requiring the service dog to remain in their respective canine vehicles for extended periods of time. Temperature extremes can be detrimental to the service dog’s health and in extreme cases may result in death. Whenever the canine handler leaves the vehicle unattended, all doors shall be secured. If the service dog is in the vehicle in mild or cool weather, the windows shall be rolled down, with lattice inserts in place. During hot, humid weather, the vehicle may be secured with the engine and air conditioning running and windows partially opened. Only vehicles equipped with “secure idle” may be left running while inside institutional grounds. In such cases, the vehicle shall be under direct observation (i.e., tower or front entrance/gate staff member). Extreme caution to inside vehicle temperature on hot days shall be exercised with welfare checks of the service dog conducted as needed, but at least every thirty (30) minutes.

In the event a service dog sustains a life-threatening injury or ingests any quantity of known or suspected drugs, the canine handler shall immediately administer appropriate first aid procedures as applicable. The telephone number for the American Society for the Prevention of Cruelty to Animals/Animal Poison Control Center is available through the Canine Lieutenant.

**Canine Retirement**

In the event the Department deems it necessary to retire a canine, it is the responsibility of the Canine Lieutenant to gather any substantiating documents regarding the canine retirement, such as medical documents, if available, and forward these documents to the Division of Adult Institutions, General Population (GP) Males Mission.

The Department may deem a canine retired due to any of the following:

- Poor health;
- Old age;
- Unmanageable behavior; and/or
- Failure to obtain required certifications.

The GP Males Mission will then ensure the necessary paperwork is completed and approved. The two forms necessary to retire a CDCR canine are as follows:

- CDCR 2001, Agreement for Sale of Department K-9; and
- STD. 152, Property Survey Report.

Once approved, the Richard A. McGee Correctional Training Center shall be notified of the canine retirement to ensure that the canine badge number is retired.

The GP Males Mission shall also ensure proper notification and tracking within the CDCR SAP/BIS electronic tracking system.

**Veterinary**

Each institution is responsible for identifying a veterinary clinic in their geographical area for providing emergency services as well as yearly examinations/vaccinations. Emphasis shall focus on a veterinarian experienced with providing care for service dogs. All departmental canines shall be examined and vaccinated yearly as required by the attending veterinarian.

**Accidental Bites**

In all cases of a service dog biting any person(s), staff shall obtain immediate medical aid for the victim. A service dog bite is a reportable incident. The canine handler shall return the service dog to its assigned kennel on grounds and complete CDCR Form 837-C, Crime/Incident Report Part C – Staff Report, for submission to the appropriate reporting authority. ISU staff shall obtain photographs of the victim’s injuries immediately following medical treatment. These photographs shall be treated as evidentiary material.

**Armed Post**

All correctional peace officers assigned as a canine handler shall be issued departmentally approved Glock Model G22 .40 caliber pistol with 3 magazines containing a total of 45 rounds of ammunition and equipment consistent with department policy.

Weapons shall be stored in an approved gun locker at the base of the appropriate weapons tower for accessibility 24-hours a day. A CDCR Form 656, Armory Entrance and Exit Log, shall be maintained and placed inside the gun locker for accountability purposes. A log entry, reflecting the canine handler’s name, date, time in/out, and reason for drawing the weapon shall be completed by the canine handler each time the weapon is accessed.

Canine handlers issued side arms shall be armed during off site operations and while transporting their assigned service dog off institutional grounds. When at home, or away from the institution overnight, all weapons shall be secured in accordance with state and federal laws. A trigger guard shall be applied in order to safely secure the weapon.

**Canine Vehicles**

Due to the need for canine handlers to safely transport their assigned service dogs, suitable State vehicles will be assigned to each canine handler. The vehicles shall be full/mid-sized sedans or Sport Utility Vehicles (SUVs). The vehicle shall be modified by removing the rear seats and installing a platform covered with a water proof material along with an anti-skid covering. The front driver’s compartment and the rear passenger compartment shall be divided by an expanded metal partition to keep the service dog secured in the rear of the vehicle and ensure adequate ventilation in the rear of the vehicle. Pre-built/ manufactured canine inserts may also be used. Canine vehicles shall be equipped with an ignition override system; such as “Secure Idle,” as well as heat monitoring systems to ensure the safety of the canine. All canine handlers shall complete the Standard 377, Vehicle Home Storage Request/Permit in accordance with departmental policy.

**Home Kenneling**

Service dog(s) shall be maintained at the respective canine handler’s residence and permitted to socialize with the canine handler’s family. This fosters good social behavior in the service dog.

- When on vacation or away for extended periods of time the service dog may be kenneled with another canine handler or in a suitable departmental kennel. California State Prison-Solano and California Institution for Men have kennels which are suitable for extended kenneling. The appropriate Regional Canine Coordinator shall be apprised anytime a departmental canine requires kenneling.
- Service dogs maintained at a canine handler’s residence shall be appropriately kenneled. A kennel shall be purchased at the expense of the home institution and measure approximately 5 feet wide, 10 feet long, 6 feet high with sanitary floor, i.e., composite flooring, concrete, etc., with a shade panel over the top and securable with a padlock. The canine handler shall clean the kennel daily.
- All food, cleaning supplies, and items necessary for home care of the service dog shall be provided by the institution and maintained at the canine handler’s residence.
- The assigned State vehicle shall not be parked on a public street when stored at the canine handler’s residence.
- Canine handlers are encouraged to garage or cover the vehicle when not in use in order to avoid any undue attention to the vehicle.

**Obedience Training**

Obedience training shall be conducted separate from detection scent training. Obedience training shall be conducted to the extent necessary for the assigned canine handler to adequately control his/her service dog in unfamiliar settings. At no time are electronic collars (bark/shock collars) allowed to be used without the approval of the Canine Lieutenant.

**Scent Training**
Scent training shall be conducted annually, quarterly, monthly, and at the discretion of the Canine Lieutenant assuring each service dog’s competency. All training shall be appropriately documented in each service dog’s training records.

A canine handler is required to have narcotic training aids inventoried by the Regional Canine Coordinator and/or Canine Lieutenant on a quarterly basis. Unannounced inventory inspections may be conducted at any time. A canine handler shall report any lost or spilled training aids. A copy of the Narcotic Training Aid Log shall be forwarded to the Institution’s ISU Lieutenant, Regional Canine Coordinator, and/or Canine Lieutenant. Each canine handler is required to complete a canine Narcotic Training Aid Log. This log is to be completed each time a training aid is used to ensure that no training aids are inadvertently left at a facility. This form shall be sent to the Canine Lieutenant on a monthly basis.

**Annual Canine Certification**

Each Departmental canine handler and service dog shall complete and pass the CDCR Canine Academy prior to using a canine in the performance of duty. This certification shall meet the guidelines set forth by the California Commission on Peace Officers Standards and Training (POST). Each canine handler and service dog shall be recertified annually by the Canine Lieutenant. Certifications shall consist of the following:

- Exterior vehicle search
- Interior vehicle search
- Individual search (drug detection canine only) (Air Scan)
- Individual article search
- Inside building search

Distraction aids may be used in any or all of the certification searches. The canine team shall be capable of detecting the odor of marijuana, heroin, cocaine, and methamphetamines in a vehicle’s interior/exterior, buildings, on persons, and on articles of property. The canine handler shall be able to recognize the canine’s alert and response. The canine handler’s call as to the location of the aid shall be as specific as possible. The canine handler will reward the canine for a positive response only after confirmation on the location of the aid has been given by the certifying trainer/instructor. Training shall include and emphasize the importance of understanding how human and human-dog social cognitive factors in applied situations to prevent any false positive alerts. Each canine team shall complete all phases of certification (pass or fail).

Certification will be scheduled for two consecutive days at a location specified by the Canine Lieutenant. If a canine team fails certification, remedial training shall be the responsibility of the trainer. The canine team shall be rescheduled for certification one week following the failed certification. In the event the canine team fails to certify at the second certification, training shall be scheduled one week after the failed certification and supervised by the Canine Lieutenant. At the third scheduled certification, if the canine team fails to certify, the Canine Lieutenant shall conduct an administrative review of the certification process used and the team’s performance. Failure to certify is cause for removal from the canine program.

**Canine Handler Equipment**

The following list of equipment shall be issued to canine handlers and replaced as needed by the home institution:

- Six foot leash with snap clasp
- Fur saver choke collar
- One and one half inch flat leather collar
- Stainless steel food pan
- Stainless steel water pan
- Stainless steel water bucket
- Spill proof vehicle water bowl
- Jute Tug Toy (3)
- Kong rubber ball (2)
- De-shedding comb
- Kennel crate
- Traffic Lead

**Mutual Aid**

Departmental canine teams are available to assist both interdepartmental and outside law enforcement. All requests for canine unit assistance from institutions shall be made through the appropriate Regional Canine Coordinator who will evaluate the scope of the operation and deploy adequate canine resources.

CDCR institutions, the Office of Correctional Safety, the Office of Internal Affairs, and parole units have priority over outside law enforcement agency requests for mutual aid in the use of canine teams. The Canine Lieutenant holds the ultimate responsibility for the deployment of canine teams. The use of canine units shall be prioritized as follows:

- **First Priority:** Intelligence based institutional searches. Authorization by ISU Lieutenant and/or Institutional Warden with operational coordination between the ISU Lieutenant and the Regional Canine Coordinator.
- **Second Priority:** Random institutional searches. Authorization by the Institution Warden with operational coordination between the ISU Lieutenant and the Regional Canine Coordinator.
- **Third Priority:** Parole unit requests. Coordinated through the Regional Canine Coordinator with authorization from the Institution Warden and notification to the Canine Lieutenant.
- **Fourth Priority:** Outside law enforcement agency requests. Coordinated through the Regional Canine Coordinator with authorization from the Institution Warden and notification to the Canine Lieutenant.

Upon approval of the parole unit or outside law enforcement assistance the following shall apply:

- CDCR’s canine unit’s sole purpose during off-site operations is to conduct searches of targeted areas using their assigned service dogs. Passive canine air scan searches of persons under the jurisdiction of the Department are permissible. Passive canine air scan searches of citizens not under the jurisdiction of the Department shall not be conducted without the existence of articulable probable cause or a search warrant for the search of a specific citizen.
- Canine unit staff shall not involve themselves in the outside law enforcement efforts in the securing of the search area and shall remain outside the targeted area until such time the residence or building has been secured.
- All occupants of the search area shall be cleared from the area to be searched to ensure there is no contact with the service dog(s).
- Prior to conducting any search, canine unit staff shall visually check the area to be searched to ensure there are no illegal drugs or dangerous items in plain sight that may cause injury to the dog. During the actual search, the canine handler is responsible for identifying any area the service dog alerts. During the course of a search, the canine handler shall not retrieve any drugs or contraband discovered, unless absolutely necessary.
- Subsequent to the canine team completing their portion of the search, designated staff shall perform a tactile (hands on) search of the areas where the service dog alerted.
- Within 24-hours of the search operation, or no later than the close of business the following business day, a report is to be submitted and routed to the appropriate Warden, Regional Canine Coordinator, Canine Lieutenant, and the Associate Director, General Population Males, documenting the details of the search to include a description of any drugs/contraband discovered during the search.
- When utilizing the service dog(s) outside of the institution and pursuant to a search warrant, the respective canine handler shall use his/her assigned service dog in a manner within the scope of the search warrant.
- When available, a minimum of two canine teams shall be deployed. This allows for larger areas to be searched and maximum utilization of the service dog in a shorter period of time.
- Drug detection service dogs shall be used in requests for probable cause purposes.
- Canine staff responding to a call-out or emergency shall be required to report in appropriate uniform.
- Overtime costs shall not be incurred without approval of the appropriate Warden or designee. The canine handler shall complete a detailed report upon completion of the search. The report shall be submitted to the Canine Lieutenant via the Regional Canine Coordinator.
- Only CDCR-approved equipment is allowed to be used.

**Demonstrations**
The canine unit may provide public demonstrations to further public relations. Requests shall be forwarded to the appropriate Regional Canine Coordinator for approval. All such requests shall be routed to the Canine Lieutenant to ensure there are no operational conflicts. If the request is approved, the Regional Canine Coordinator shall assign sufficient personnel to provide the service.

52050.27.1 Canine Searches

Prior to any search, the canine team supervisor shall brief all staff assisting in the search process. The briefing shall include the objectives of the search, safety and security considerations, and each person’s role in the search process.

Canine searches shall be conducted of all internal buildings, inmate living quarters, work areas, warehouse storage areas, offices, common areas, maintenance shops, and any other area under the jurisdiction of the Department.

- The canine handler executing the search shall ensure assisting staff members order all inmates away from the service dog(s). Inmates shall remain a significant distance away from the canine team(s). This includes passage to and from any chosen search site.
- If a violent incident occurs, and a canine team is conducting searches within the vicinity of the incident (i.e., riot, shots fired, etc.), the canine handler’s foremost priority shall be protecting the safety of his/her assigned service dog. The canine handler shall remove the service dog from the affected area as soon as practical. Under no circumstances shall a canine handler release his/her custody of the service dog in order to respond to the incident.

Positive Canine Alert means a change in behavior that departmental canines are trained to perform when they detect the odor of marijuana, heroin, cocaine, methamphetamine, tobacco, or cell phones. This change in behavior alerts the canine handler that the canine has detected the odor of drugs, tobacco, or cell phones. “Passive” canines are trained to perform signals including, but not limited to, sitting and/or staring at the detected contraband. “Active” canines are trained to perform signals including, but not limited to, scratching and/or staring at the detected contraband.

With intermittent breaks, each service dog is capable of searching up to four hours per day in optimum conditions (peak efficiency is twenty to sixty minutes). Canine handlers shall make every effort to maintain their assigned service dogs in peak condition. During all searches, canine handlers shall remain cognizant of their service dog’s physical needs (i.e., rest, relief, etc.). During any service dog search, the canine handler shall not retrieve any illegal drugs or contraband discovered, unless absolutely necessary. Staff shall not interfere, distract, or assist the canine team while conducting their portion of the search, unless specifically asked to do so by the canine handler.

Reporting

Anytime a drug detection service dog “alerts” to the odor of illegal drugs while searching and illegal drugs are subsequently discovered in that area, the canine handler shall document all pertinent details of the search, including the service dog’s alert, on a CDCR Form 837-C, Crime/Incident Report Part C – Staff Report. The report shall be submitted to the appropriate reporting authority.

Urinalysis Testing of Inmates

Drug detection service dogs “alerts” to the odor of an illegal drug, not necessarily the drug itself. The courts have held that a dog’s alert can establish probable cause for a search. A dog’s alert is also a basis to order an inmate to submit a urine sample for testing of a controlled substance. Orders for submission of urine samples shall be for cause and for the purpose of laboratory testing. Testing shall confirm or deny the presence of illegal drugs, at a specified level, in the subject’s urine.

Canine Searches Inside Security Perimeter

Canine searches inside the security perimeter shall be conducted frequently and unannounced. The appropriate Regional Canine Coordinator shall be responsible for scheduling and coordinating canine teams for searches within CDCR institutions and parole regions. The ISU Lieutenant of the respective institution shall be responsible for notifying the Warden of the impending canine search and operations.

Canine Searches Outside Security Perimeter

Canine searches conducted outside the security perimeter (i.e., administration building, records, support/Prison Industry Authority warehouse, etc.) shall be conducted frequently and randomly. The ISU Lieutenant of the respective institution shall be responsible for notifying the Warden of the impending canine search and operations.

Prior to any search, the canine team supervisor shall brief all staff assisting in the search process. The briefing shall include the objectives of the search, safety and security considerations, and each person’s role in the search process.

Canine searches shall be conducted of all internal buildings, inmate living quarters, work areas, warehouse storage areas, offices, common areas, maintenance shops, and any other area under the jurisdiction of the Department.

Internal Areas/Inmate Living Quarters

- While moving through the facility, canines shall be leashed and under control at all times. The canine handler is responsible for the control and protection of his/her service dog while on duty.
- The canine handler, executing the search, shall ensure assisting staff members order all inmates away from the service dog(s). Inmates shall remain a significant distance away from the canine teams at all times. This includes passage to and from any chosen search site.
- Prior to conducting an interior area search, the canine handler shall make a visual inspection of the area(s) to be searched. During this inspection, a systematic search pattern shall be decided. If more than one canine team is conducting an interior area search, the area shall be divided and a decision made as to what area(s) each team will be responsible to search.
- When conducting interior area searches, the canine handler shall be accompanied by facility security staff or a regular shift officer. The accompanying staff shall assist the canine handler by recording pertinent information. Assisting staff shall have keys to access areas to be searched and are responsible for securing these areas upon the canine handler exiting the area.
- When a canine alert occurs, the canine handler will advise the assisting staff of the location and objects to be searched. If no drugs or contraband are located after the search is conducted, the canine handler shall have the canine search articles that have been checked by the assisting staff to possibly better pinpoint the exact location of drugs or contraband.
- When a canine alert occurs in an area or on property belonging or assigned to a particular inmate, a search of the inmate and area shall be conducted and a urine sample may be collected from the to test for the presence of illegal drugs in the inmate’s system.
- Facility staff shall secure illegal drugs or contraband in the evidence safe and complete all required report(s). Facility staff shall conduct any administrative action when required. Canine handlers shall complete a CDCR Form 837-C, Crime/Incident Report Part C – Staff Report, before completion of their shift to document any drug(s)/contraband found.
- Each canine handler shall prevent harassment, physical assault, or verbal threat to a canine. Harassment, physical assault, or verbal threat may subject the offender to a misconduct and/or criminal prosecution.

Common Areas

- A common area is any area where inmates and visitors have access. Common areas include, but are not limited to, storage areas, showers, dayrooms, plumbing chases, lobbies, visitor waiting rooms, staff and public rest rooms, inmate rest rooms outside of secured cells, etc.

Common areas are searched utilizing a Systematic Search Pattern (SSP), checking areas and the contents of that area. When conducting a SSP, the perimeter area and any object or article that is located on the perimeter shall be searched. After the perimeter is searched, all objects or articles inside the perimeter interior shall be searched (i.e., tables in a dayroom, workbenches, power tools, etc.).

Warehouse Areas/Garages/Auto Shops

- Warehouse areas/garages/auto shops are generally very large areas with extremely high ceilings. If possible, multiple canine teams shall be used, dividing the interior of the warehouse into sections and assigning a specific section or area to each team.
- A canine handler searching these areas shall be alert to any antifreeze or other solvents that may be out in the open where a canine could easily ingest them.
- High areas shall be checked especially if a canine is giving a high response when conducting a search at ground level.
- To search items stored at extended heights not easily accessible to the canine team, equipment may be used to raise both the canine handler and the service dog, when possible.
Mail Rooms/Incoming Inmate Mail

- A search of incoming inmate mail shall be conducted as frequently as possible by a canine team to detect the possible presence of illegal drugs and/or contraband.
- The canine handler shall coordinate with mail room staff when incoming mail arrives and conduct a search of mail so as not to interfere with the timely inspection and processing of the mail.
- The canine team may also conduct a search of the mailroom itself. Any articles, packages, letters, and newspapers that a canine alerts on shall be carefully and thoroughly inspected for possible illegal drugs and/or contraband being concealed in its contents. The canine handler shall do inspections with the mailroom supervisor present. Any illegal drugs and/or contraband found shall be tested by the finding officer and processed in accordance with Department policy.
- The Office of Internal Affairs (OIA) Criminal Team Supervisor or Administrative Officer of the Day (AOD) shall be contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in any letter, package, or other item when there is a reasonable suspicion that the letter, package, or item is intended for a departmental employee, employee of other government agencies, contract employee, contractor and/or their employees, or volunteer.

Searches of Inmates for Contraband and/or Illegal Drugs

All inmates shall be subject to a search of their person and property to control and detect contraband and illegal drugs. Contraband and/or metal detection device(s) and/or electronic drug detectors including but not limited to ION Scanners and other available contraband and/or metal detecting device(s) technology, and passive canine air scan units may be used for this purpose.
- Direct searches of inmates by Canine Units shall be conducted as described in the California Code of Regulations (CCR), Title 15, Division 3, section 3287.
- A passive canine air scan search may be initiated based upon reasonable suspicion.

Seated Passive Canine Air Scan Searches of Inmates

Seated passive canine air scan searches of inmates shall be conducted in a room big enough to allow the canine team to work around the person without running into furniture or other objects. All ventilation systems should be turned off and all windows closed. This will reduce the amount of airflow in the room allowing a better search of the inmate. The inmate shall sit in a metal or plastic chair. The chair should have an opening in the back and on the sides and shall be free of any armrests. The inmate shall sit straight up in the chair, knees at a 90 degree angle, knees and ankles together with their hands on their knees, palms down. Once the inmate is seated in the chair, the canine handler will bring the canine approximately a foot away from the person and give the canine the command “find it.” The canine handler will direct the canine to search the person in the following order: left ankle, left knee, left hip, left knee, left hip, lower back, right hip, right knee, right ankle, feet, left armpit, upper back, right armpit, and across the hands (making two rotations around the person).

Standing Passive Canine Air Scan Searches of Inmates

Standing passive canine air scan searches of inmates are conducted by having a custody staff member instruct one or multiple inmates to stand against a wall. The inmate(s) is/are to face the wall, stand up straight, knees and feet together, hands to their sides, palms facing backwards, with the inmate looking straight ahead. The area that is chosen to conduct this search should be a location with little airflow. Once the inmates are lined up, the canine handler will approach the first inmate and give the canine the command “find it.” The canine team will move swiftly behind the inmates, allowing the canine to search the backside of the inmates. Once the canine team has reached the last inmate, they will circle back to the first inmate and the canine handler will present each inmate’s shoes and lower back area to the canine, without allowing the canine to put their paws on the inmates. If the canine alerts on an inmate, staff will remove the inmate from the line and the canine handler will complete searching the rest of the inmates.

- The Office of Internal Affairs (OIA) Criminal Team Supervisor or the Administrative Officer of the Day (AOD) shall be immediately contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in the possession or control of an inmate when there is a reasonable suspicion that a departmental employee, employee of other government agencies, contract employee, contractor and/or their employee, or volunteer is involved.

Searches of Visitors

Any person coming onto the grounds of any Department facility is subject to search by a departmental canine as part of the Department’s drug interdiction program.

All Visitors are subject to a search of their person and private property before entering, or while inside, any Department facility or Department grounds, to keep out contraband and illegal drugs. Contraband and/or metal detection device(s) and/or electronic drug detectors including but not limited to ION Scanners and other available contraband and/or metal detecting device(s) technology, and passive canine air scan units may be used for this purpose.
- Inmate visitors afraid of dogs (Cynophobia), and/or who suffer from allergic reactions to dogs, shall be escorted to the ION Scanner location and scanned pursuant to Department procedures.
- Direct searches of visitors by Canine Units shall be conducted pursuant to CCR, Title 15, Division 3, section 3173.2. Prior to performing direct searches, search operations staff shall ensure that the area or objects used for search are free from contamination that may interfere with the search, i.e., chairs for sitting in, excessive property within search rooms, etc. Canine handlers shall search the area or objects used prior to the beginning of search operations and after any positive alert to ensure there are no cross contamination issues.
- A passive canine air scan search on an individual may be initiated based upon reasonable suspicion.
- All inmate visitor testing results shall be documented on the Canine Air Scan Results Log - Visitors.
- Visiting staff shall inform visitors they can refuse the enhanced inspection by a passive canine air scan search. Staff shall inform the visitor of further potential search or visitation options upon a positive alert or based upon the number of refusals occurring within a twelve (12) month period as outlined in CCR, Title 15, Division 3, section 3173.2(e)(3)(B)-1-4.
- Inmate Visitors shall be randomly selected for scanning with a passive canine air scan search.
- All air scans of individuals shall be conducted in a manner that affords privacy.

Seated Passive Canine Air Scan Searches of Inmate Visitors

Seated passive canine air scan searches of inmate visitors shall be conducted in a room big enough to allow the canine team to work around the person without running into furniture or other objects. All ventilation systems should be turned off and all windows closed. This will reduce the amount of airflow in the room allowing a better search of the inmate visitor. The inmate visitor shall sit in a metal or plastic chair. The chair should have an opening in the back and on the sides and shall be free of any armrests. The inmate visitor shall sit straight up in the chair, knees at a 90 degree angle, knees and ankles together with their hands on their knees, palms down. Once the inmate visitor is seated in the chair, the canine handler will bring the service dog approximately a foot away from the person and give the canine the command “find it.” The canine handler will direct the service dog to search the person in the following order: left ankle, left knee, left hip, left knee, left hip, lower back, right hip, right knee, right ankle, feet, left armpit, upper back, right armpit and across the hands (making two rotations around the person).

If during the passive canine air scan search, the scan result is negative, the individual will continue with processing into the institution.

If during the passive canine air scan search, the scan result is positive, the visitor shall be informed that he/she shall be required to submit to a clothed body search as a condition of a non-contact visit. If the results of the clothed body search are negative for contraband, the visitor shall continue with processing for a non-contact visit.

However, if the clothed body search results in the discovery of contraband, the visitor shall be denied entrance to the facility and may be subject to arrest and referral for criminal prosecution. If the visitor refuses to consent to a clothed body search, visiting shall be denied for the day.

All positive alerts (second EDDE scans/passive canine air scans), refusals to submit to clothed body searches after a positive alert, and/or refusals to participate in the drug interdiction process shall be recorded on the SOMS visiting record. Upon the visitor’s next attempt to enter a CDCR institution, he/she shall be informed that he/she shall be subject to the provisions pursuant to CCR, Title 15, Division 3, Section 3173.2(e)(3)(B)-1-4.

- The Office of Internal Affairs (OIA) Criminal Team Supervisor or Administrative Officer of the Day (AOD) shall be immediately contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in the possession or control of a visitor.

- The Office of Internal Affairs (OIA) Criminal Team Supervisor or Administrative Officer of the Day (AOD) shall be immediately contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in the possession or control of a visitor.
The arrest of a visitor shall not be made without consultation with OIA when there is reasonable suspicion that a departmental employee, employee of another government agency, contract employee, contractor or their employee, or volunteer is involved with the visitor. The OIA Regional Criminal Team Supervisor will assess the case factors and other investigative strategies prior to approval. In the event there are exigent circumstances where the need to act is immediate, OIA shall be notified as soon as possible thereafter.

When an arrest is made by ISU, in accordance with CCR, Title 15, Division 3, sections 3176.2 and 3316(a), the CDCR R37 form series, Crime/Incident Report; arrest reports; and staff reports documenting the arrest shall be completed and a copy forwarded to the local District Attorney’s office by ISU.

Passive Canine Air Scan Searches of Employees, Contractors, Attorneys, and Volunteers for Contraband and Illegal Drugs

All persons who are employed by the Department employees, employees of other government agencies, contract employees, contractors and their employees, volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia who come onto institutional grounds are subject to a search of their person, private property, and vehicles for contraband and illegal drugs before entering, or while inside, any department facility or department grounds via the use of contraband and/or metal detection equipment and/or electronic drug detectors including, but not limited to, ION scanners and other available contraband and/or metal detecting device(s) technology, and passive alert canines may be used for this purpose.

By entering or attempting to enter a department facility or department grounds, employees, employees of other government agencies, contract employees, contractors and their employees, volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia consent to being searched for contraband and illegal drugs.

An employee, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia coming onto the grounds of any department facility is subject to search by a department canine as part of the department’s drug interdiction program. Passive alert canines shall be used to combat the introduction of illegal drugs and contraband being smuggled into CDCR facilities.

Direct searches of employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia by Canine Units.

Employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia shall be randomly selected for scanning with a passive canine air scan search. All air scans of individuals shall be conducted in a manner that affords privacy.

If during the passive canine air scan search, the scan result is negative, the individual will continue with processing into the institution.

Prior to performing direct searches, search operations staff shall ensure that the area or objects used for search are free from contamination that may interfere with the search, i.e., chairs for sitting in, excessive property within search areas, etc. Canine handlers shall search the area or objects used prior to the beginning of search operations and after any positive alert to ensure there are no cross contamination issues.

Prior to beginning a search of employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia using passive alert canines, the Search Operations Commander or designee shall be responsible for determining if the search will be of all employees entering or exiting an area, or only those selected on a random basis (e.g., every 3rd or 5th). The random selection method shall be documented on the Canine Search Air Scan Results Log prior to the commencement of the searches. The random pattern shall not be altered unless approved by the Search Operations Commander.

The canine handler shall inform employees, employees of other government agencies, contract employees, contractors and their employees, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia that he/she is conducting passive air scan searches of individuals using passive alert canines and that the purpose of the scan is to detect illegal drugs.

The canine handler shall inform each employee, employees of other government agencies, contract employees, contractors and their employees, volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia that the passive canines have been trained to detect the presence of contraband by smell and to alert their handlers to that detection by sitting down or staring.

Employees, employees of other government agencies, contract employees, contractors and their employees, volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, shall be directed to not interact with the canine in any way.

While inadvertent contact is a possibility, the handler shall not instruct the canine to contact the individual being scanned.

If the subject of the air scan search seems excessively nervous, the handler shall attempt to reassure the person that the procedure is safe, but the person shall not be permitted to pass into the institution without being scanned.

Passive air scan searches by Canines. All positive air scan results shall be documented on the Canine Positive Air Scan Results Log. A passive air scan search may be conducted under one or both of the following conditions:

A passive air scan search may be conducted in open areas where groups of employees, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia are walking and/or congregated, e.g., main entrances, administration buildings, in service training areas, sallyports, hallways, housing units, visiting rooms, or yards, etc.

A passive air scan search of any employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia may be initiated based upon reasonable suspicion.

Positive Canine Alert

If the canine alerts during the air scan search of an employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, supervisory staff shall be notified immediately. The employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia will be subject to a patdown search by same gender supervisory staff in a private setting. Any item being brought into the facility by that employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia will be subject to a thorough search. If no contraband is discovered, the individual shall be allowed to enter the institution.
• The Office of Internal Affairs (OIA) Regional Special Agent in Charge or OIA Administrator Officer of the Day shall be contacted for consideration of an exigent investigation prior to the search of any departmental employee, employees of other government agencies, contract employee, contractor and their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia when there is a reasonable suspicion that the employee, employees of other government agencies, contract employee, contractor and/or their employee, and volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is or will be in possession of illegal drugs or contraband and when the employee, employees of other government agencies, contract employee, contractor and their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is individually selected. This shall not apply to random, gate or area searches. In the event there are exigent circumstances where the need to act is immediate, OIA shall be notified as soon as possible thereafter.

• An employee, employees of other government agencies, contract employee, contractor and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia found in possession of drugs and/or cell phones shall be referred to the institution’s ISU for possible arrest.

• Employees of other government agencies, contract agencies, contract employees, contractors and their employees, and volunteers can refuse to submit to the search; however, refusal shall result in the denial of entry and may lead to exclusion from all CDCR institutions. Attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia can refuse to submit to the search; however, refusal shall result in the denial of a contact visit, but a non-contact visit may be authorized if available on the same day. Alternatively, the appointment shall be rescheduled for another day. Departmental employees do not have the right to refuse the search.

• Outside Law Enforcement Agencies shall not be involved in the search process.

• Arrests/Citations/District Attorney Referral.
  • Persons who are searched and found in possession of drugs or contraband are subject to arrest. If an arrest is initiated, those arrested, along with the drugs or contraband discovered shall be turned over to the institution’s ISU.
  • Once the pre-booking process has been completed by CDCR staff, the arrestee(s) shall be transported by CDCR personnel or by the local police/sheriff’s department to a designated detention facility. Arrestee(s) shall not be held at the pre-booking area beyond a reasonable amount of time necessary to complete the process.
  • If any employee, employee of other government agencies, contract employee, contractor and/or their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is found in possession of drugs or contraband, the ISU Lieutenant/Search Commander shall make any decision to arrest, issue a citation, or refer the matter to the District Attorney’s office for prosecution.
  • In all cases where an employee, employee of other government agencies, contract employee, contractor and/or their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is arrested and/or issued a citation for committing a criminal act while on institution grounds, a copy of CDCR 837-A (Rev. 07/05), Crime/Incident Report, Part A-Cover Sheet, which is incorporated by reference, arrest reports, and staff reports documenting the arrest shall be forwarded to the local District Attorney’s office in accordance with existing departmental regulations in CCR, Title 15, Division 3, sections 3176.2 and 3316(a).

Seated Passive Canine Air Scan Searches of Employees, Employees of other Government Agencies, Contract Employees, Contractors and their Employees, and Volunteers

Seated passive canine air scan searches of employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers shall be conducted in a room big enough to allow the canine team to work around the person without running into furniture or other objects. All ventilation systems should be turned off and all windows closed. This will reduce the amount of airflow in the room allowing a better search of the employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers. The employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers shall sit in a metal or plastic chair. The chair should have an opening in the back and on the sides and shall be free of any armrests. The employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers shall sit straight up in the chair, knees at a 90 degree angle, knees and ankles together with their hands on their knees palms down. Once the employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers is seated in the chair, the canine handler will bring the canine approximately a foot away from the person and give the canine the command “find it.” The canine handler will direct the canine to search the person in the following order: left ankle, left knee, left hip, lower back, right hip, right knee, right ankle, feet, left armpit, upper back, right armpit and across the hands (making two rotations around the person).

52050.27.2 Canine Visitor Vehicle Searches

52050.27.3 Tracking Escaped Inmates

When it is determined that the canine unit is necessary for tracking escaped inmates, approval of the Warden or designee shall be obtained prior to requesting their services. Only canines specifically trained for tracking escapes may be utilized.

• The area where the escapee was last observed shall be secured and kept from any type of contamination (movement in that area, additional searching of the area, etc.) until the arrival of the canine unit.

• Upon establishing the track, the tracking team shall require the assistance of a minimum of two staff members. These staff members, in addition to weapons, shall be equipped with radios and restraint equipment.

52050.28 Electronic Drug Detection Equipment

The Department of Corrections and Rehabilitation has established a comprehensive drug and contraband interdiction program by implementing various drug and contraband interdiction strategies to prevent them from entering institutions. Among these strategies is the use of Electronic Drug Detection Equipment (EDDE) such as ION mobility spectrometry technology (ION Scanners), which are non-invasive devices that simultaneously test for a wide range of narcotics in seconds, detecting their presence on hands, articles of clothing, mail, and other objects.

52050.28.1 Drug Testing Coordinator

Each institution shall designate a Drug Testing Coordinator (DTC) at the rank of sergeant or above. The primary duties and responsibilities of the DTC are:

• Ensuring the institution designates an Electronic Drug Detection Equipment Administrator (EDDEA) to provide technical assistance and ongoing training.

• Ensuring all Electronic Drug Detection Equipment Operators (EDDEO) are properly trained.

• Ensuring the institution maintains a sufficient stock of consumables.

• Ensuring safety of installation and maintenance of EDDE.

• Reviewing all drug testing logs for accuracy and completeness, and ensuring their submission to the Enhanced Drug and Contraband Unit (General Population Males Mission) by the 5th of each month.

52050.28.2 Electronic Drug Detection Equipment Repair Technician

The DTC shall ensure that an Electronic Drug Detection Equipment Repair Technician (EDDERT) is available to each institution to provide technical assistance via designated vendor contract. The EDDERT shall:

• Perform preventative maintenance as required by the equipment manufacturer.

• Troubleshoot the EDDE as needed.

• Ensure safe installation and maintenance of EDDE.

• Provide training on the basic operation of the EDDE.

• Remove and replace (field-replaceable) parts.

• Conduct system test & alignment.

• Conduct diagnostics and tests for the EDDE.
• Calibrate and adjust the EDDE.

52050.28.3 Electronic Drug Detection Equipment Administrator

The Electronic Drug Detection Equipment Administrator (EDDEA) shall provide the following:

• Troubleshoot the EDDE as needed.
• Ensure safe installation and maintenance of EDDE.
• Ensure all EDDEO are properly trained.
• Remove and replace (field-replaceable) parts.
• Perform system start up maintenance procedures.
• Calibrate and adjust the EDDE.

52050.28.4 Electronic Drug Detection Equipment Operators

The Electronic Drug Detection Equipment Operators (EDDEO) shall:

• Maintain all equipment received.
• Report any deficiencies and failures to the DTC.
• Maintain all logs as required by this procedures manual.
• Conduct daily, weekly, and monthly maintenance of the equipment by using the Electronic Drug Detection Equipment Shift Maintenance log prior to each shift.
• Perform the start-up procedures and ensure verification of the operation of the system as set forth in the EDDE manufacturer’s instructions prior to each shift.
• Ensure no person tampers with the equipment.
• Ensure scans of inmates are conducted in accordance with departmental policy. Operators conducting scans should swipe areas that the scan subjects would frequently touch with their hands (i.e., the front and back of their hands, front pockets, belt buckles, watch bands, shirt buttons, hair ornaments, and shoelaces). Operators shall not swipe a subject’s buttock, groin, or breast areas.

52050.28.5 Searches

Revised October 13, 2015

EDDE may be used to search inmates, visitors, staff, employees of other government agencies, contract employees, contractors and their employees, volunteers, packages, mail, vehicles, Department property, and personal property brought onto institution grounds. Equipment shall be used in accordance with the manufacturer’s instructions to avoid contamination of equipment and operators. EDDE scans of inmates, visitors, staff, employees of other government agencies, contract employees, contractors and their employees, and volunteers shall be conducted in a systematic and routine manner. EDDE swabs may be wiped along the following areas prior to scanning, e.g., hands and fingers and commonly touched or held articles such as pocket exteriors or openings, shoelaces, eyeglass handles, belt buckles, watch bands, bracelets, etc. At no time shall a swab be used on breast or groin areas. The swab will then be scanned by the EDDE.

Searches of Inmates

• If the presence of contraband is detected and confirmed, inmates shall be subject to an unclothed body search and ordered to submit to a urinalysis. Inmates require only one positive scan to be considered positive due to the reasonable likelihood of being inadvertently contaminated with drug residue from a secondary source. All inmate scanning results shall be documented on the EDDE ION Scanner Results Log – Inmates Scanned log.

Searches of Packages, Mail

• If the presence of contraband is detected and confirmed by the EDDE in packages or mail, the item(s) is to be confiscated and turned over to the ISU for investigation and disposition in accordance with Chapter 5, Article 41, Inmate Mail.
• All packages and mail testing shall be documented on the EDDE ION Scanner Results Log – Mail and Package log.

Searches of Inmate Visitors

• All inmate visitor testing results shall be documented on the ION Scanner Results Log – (Visitors).
• Visiting staff shall inform visitors they can refuse the enhanced inspection by the EDDE. Staff shall inform the visitor of further potential search and visitation options upon a positive alert or based upon the number of refusals occurring within a twelve month period as outlined in policy.
• If during the first scan of the EDDE, the scan result is negative, the visitor shall continue with processing into the visiting area.

• If the presence of contraband is detected on the first scan, the visitor shall be given the option of washing his/her hands with soap and water and a second scan shall be performed in the same manner as the first scan. If a visitor passes the second scan, they shall be permitted to have a regular visit and the scan shall not be recorded as a positive result. If the second scan is positive, the visitor shall be informed that he/she will be required to submit to a clothed body search as a condition of a non-contact visit, if space is available. Subsequently, if the clothed body search is negative for contraband, the visitor shall continue with processing into the non-contact visiting area. However, if the clothed body search results in the discovery of contraband, the visitor shall be denied entrance to the facility/institution and may be subject to arrest and referral for criminal prosecution. If the visitor refuses to consent to a clothed body search, visiting shall be denied for the day.

• All positive alerts (second EDDE scans/passive air scans), refusals to submit to clothed body searches after a positive alert, and/or refusals to participate in the drug interdiction process shall be recorded on the SOMS visiting record. Upon the visitor’s next attempt to enter a CDCR institution, he/she shall be informed that he/she shall be subject to the following:
  • First offense: A visitor who refuses to participate in a drug interdiction process may request a non-contact visit if space is available. The visitor shall be required to submit to a clothed body search as a condition of a non-contact visit. If the results of the search are negative for contraband, the visitor shall continue with processing for a non-contact visit. If the visitor refuses to consent to a clothed body search, visiting shall be denied for that day. A visitor, who refuses to submit to a clothed body search after a positive EDDE/passive air scan alert for the third time in a twelve (12) month period, shall be denied a visit for that day. Upon the visitor’s next attempt to visit within a twelve (12) month period, the visitor shall not have the option of being randomly selected to participate in the drug interdiction process. The visitor shall participate in the drug interdiction process occurring on that day. If the visitor refuses to comply with this directive, visiting shall be denied for that day. If the institution is not conducting a drug interdiction process, the visitor will be allowed a contact visit consistent with departmental policies.
  • Second offense: A visitor who refuses to participate in a drug interdiction process or submit to a clothed body search after a positive EDDE/passive air scan alert for the second time in a twelve (12) month period shall be denied a visit for that day. The institution head or designee may issue an order to suspend the visitor from the institution within his/her jurisdiction for up to thirty (30) days, pursuant to CCR, Title 15, Sections 3176.1, 3176.2 and 3176.3. Upon the visitor’s next attempt to visit within a twelve (12) month period, the visitor shall not have the option of being randomly selected to participate in the drug interdiction process. The visitor shall participate in the drug interdiction process occurring on that day. If the visitor refuses to comply with this directive, visiting shall be denied for that day. If the institution is not conducting a drug interdiction process, the visitor will be allowed a contact visit consistent with departmental policies.
  • Third offense: A visitor who refuses to participate in a drug interdiction process or submit to a clothed body search after a positive EDDE/passive air scan alert for the third time in a twelve (12) month period shall be denied a visit for that day. If the institution head or designee may issue an order to suspend the visitor from the institution within his/her jurisdiction for up to twelve (12) monh periods, pursuant to CCR, Title 15, Sections 3176.1, 3176.2 and 3176.3. Upon the visitor’s next attempt to visit within a twelve (12) month period, the visitor shall not have the option of being randomly selected to participate in the drug interdiction process. The visitor shall participate in the drug interdiction process occurring on that day. If the visitor refuses to comply with this directive, visiting shall be denied for that day. If the institution is not conducting a drug interdiction process, the visitor will be allowed a contact visit consistent with departmental policies.
  • Fourth offense: A visitor who refuses to participate in a drug interdiction process or submit to a clothed body search after a positive EDDE/passive air scan alert for the fourth time in a twelve (12) month period shall be denied a visit for that day. The
When conducting scans of inmate visitors there will be occasions when legitimate circumstances exist that may result in a positive EDDE scan. Should the person being scanned claim the EDDE alarm is due to one or several prescribed medications, that person must present a letter of verification signed by a licensed physician, licensed physician’s assistant, or certified nurse practitioner confirming the medications prescribed are the cause of the EDDE alarm before they will be permitted a contact visit. The visitor shall be informed that he/she will be required to submit to a clothed body search in accordance with Section 54020.13.2, as a condition of visiting. Any item(s) brought into the facility/institution by that visitor shall be subject to a thorough search. If no contraband is discovered, the visit shall proceed. If the document is not readily available, the individual shall be informed that he/she shall be required to submit to a clothed body search as a condition for non-contact visiting, if space is available. If no contraband is discovered, the visitor shall be permitted to have a

- Denial of entrance into the facility/institution or the approval of a non-contact visit shall be in accordance with Chapter 5, Article 42.
- Employees, employees of other government agencies, contract employees, and contractors and their employees, and volunteers who appear to be under the influence of alcohol, drugs, or any other substance, to the extent that his or her presence in the facility/institution would pose a threat to his or her safety or the safety of others, or to the security of the facility/institution shall be denied entrance to the facility/institution.
- Employees of other government agencies, contract employees, contractor and their employee, or volunteer when there is reasonable suspicion that the employee, employee of another government agency, contract employee, contractor and their employee, or volunteer is involved with the visitor.
- The arrest of a visitor shall not be made without consultation with OIA when there is reasonable suspicion that a departmental employee, employee of another government agency, contract employee, contractor or their employee, or volunteer is involved with the visitor. The OIA Regional Criminal Team Supervisor will assess the case factors and other investigative strategies prior to approval. In the event there are exigent circumstances where the need to act is immediate, OIA shall be notified as soon as possible thereafter.
- Employees, contractors, and Volunteers do not have the right to refuse to be searched. Employees of other government agencies, contract employees, contractors and their employees, and volunteers can refuse to submit to search; however, refusal shall result in the denial of entry and may result in suspension from that CDCR institution for one year. Employees of other government agencies, contract employees, contractors and their employees, and volunteers can appeal the suspension to the institution head. A written response shall be provided within 15 working days from receipt of the appeal. If dissatisfied with the institution’s response or action, the appellant may refer the appeal, within a reasonable amount of time necessary to complete the process. In all cases where an individual is arrested for committing a criminal act while on institutional grounds in accordance with CCR, Title 15, Section 3316(a) and DOM Section 31140.20, a copy of the CDCR 837 form series, Crime/Incident Report; arrest reports; and staff reports documenting the arrest shall be forwarded to the local District Attorney’s office by ISU.

Employees, Contractors, and Volunteers

- Department employees do not have the right to refuse to be searched. Employees of other government agencies, contract employees, contractors and their employees, and volunteers are scanned, the operator shall ensure that the audio alarm is deactivated and that a printout of all positive scans for the staff member, employee of another government agency, contract employee, contractor or their employee, or volunteer accompanies all written logs.

- If during the first scan of the EDDE, the scan result is negative, the individual will continue with processing into the institution.

- Inmate visitors found in possession of controlled substances are subject to arrest and referral for criminal prosecution pursuant to this Article.

- Any controlled substance(s) and/or contraband confiscated shall be handled as evidence and in accordance with Chapter 5, Article 20.

- Upon request, a visitor may be given a copy of the EDDE printout of all positive scans for that visitor.

- The Office of Internal Affairs (OIA) Criminal Team Supervisor or Administrative Officer of the Day (AOD), shall be immediately contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in the possession or control of a visitor when there is reasonable suspicion that a departmental employee, employee of another government agency, contract employee, contractor and their employee, or volunteer is involved with the visitor.

- The arrest of a visitor shall be conducted in accordance with Section 52050.15. The DTC shall be...
to be destroyed, a Department Form 918, Firearm/Firearm Part Disposition Log, shall be presented to the local court of jurisdiction for approval of transfer in accordance with PC12030. Upon return of the approved release for destruction, State DOJ shall be advised by submitting the completed CDC Form 918 with cover letter to:

Firearms Section  
Department of Justice  
P.O. Box 13417  
Sacramento, CA  95812

52051.13 Inmate Manufactured Weapons  
Inmate manufactured weapons shall be retained in evidence pending legal appeal. Upon completion of legal litigation, they may be used for IST purposes. All weapons not being used for training purposes and being held pending prosecution or appeal shall be secured in a storage area until removed from facility grounds by an approved, certified metal vendor.

52051.14 Money  
Under no circumstances shall any money be mutilated or destroyed. Money which is discovered or confiscated by any employee shall be disposed of as follows:

- Staff shall immediately notify their supervisor upon discovering or confiscating any amount of money. A written report which identifies the serial number and denomination of each bill and the number of each denomination of coin shall be completed by the employee. The report shall be witnessed by at least one other employee.

Contaminated money shall be placed in a plastic container which shall be sealed and clearly marked “contaminated.” The container and report shall be turned in to the Associate Warden (AW), Business Services, or a designated Business Services representative for deposit in the Inmate Trust Fund. Inmate manufactured weapons shall be retained in evidence pending legal appeal. Upon completion of legal litigation, they may be used for IST purposes. All weapons not being used for training purposes and being held pending prosecution or appeal shall be secured in a storage area until removed from facility grounds by an approved, certified metal vendor.

52051.15 Handling of Evidence  
Relevant evidence includes any and all controlled physical evidence acquired and processed from the commission of a crime and/or uncontrolled evidence where strong possibilities exists that it can be associated with a definite suspect through latent prints or other investigative means.

- Controlled felonious contraband is physical evidence of a felonious nature that includes, but is not limited to, weapons or narcotics that can be placed as having been in the immediate possession or control of any person.

- Uncontrolled felonious contraband is physical evidence of a felonious nature that includes, but is not limited to, weapons and narcotics that cannot be placed in the immediate possession or control of any person.

- Information collected that has been found (upon examination) to have no value as evidence shall be retained for at least six months before being prepared for destruction or return.

52051.16 Handling of General Contraband  
General contraband shall be disposed of as listed below:

- Nonmetallic contraband, e.g., cardboard, paper, etc., shall be disposed of by the facility garbage.

- Metal contraband, e.g., can lids, metal scraps, etc., which is not usable by an appropriate department, shall be secured in a storage area until removed from facility grounds by an approved, certified metal vendor.

- State issued items shall be rerouted to the appropriate Department(s) for disposition and/or repair for reissuing.

Non-contaminated money shall be turned in to the AW, Business Services, or a designated Business Services representative for deposit in the Inmate Trust Fund.

52051.15 Handling of Evidence  
Relevant evidence includes any and all controlled physical evidence acquired and processed from the commission of a crime and/or uncontrolled evidence where strong possibilities exists that it can be associated with a definite suspect through latent prints or other investigative means.

- Controlled felonious contraband is physical evidence of a felonious nature that includes, but is not limited to, weapons or narcotics that can be placed as having been in the immediate possession or control of any person.

- Uncontrolled felonious contraband is physical evidence of a felonious nature that includes, but is not limited to, weapons and narcotics that cannot be placed in the immediate possession or control of any person.

- Information collected that has been found (upon examination) to have no value as evidence shall be retained for at least six months before being prepared for destruction or return.

52051.16 Handling of General Contraband  
General contraband shall be disposed of as listed below:

- Nonmetallic contraband, e.g., cardboard, paper, etc., shall be disposed of by the facility garbage.

- Metal contraband, e.g., can lids, metal scraps, etc., which is not usable by an appropriate department, shall be secured in a storage area until removed from facility grounds by an approved, certified metal vendor.

- State issued items shall be rerouted to the appropriate Department(s) for disposition and/or repair for reissuing.
• Unauthorized items which were obtained by authorized means may be sent home by inmates at their own expense or may be donated to the facility. (Examples: wallets, combs, belts, shoes, televisions, and stereos.)

52051.17 Donated Contraband
Inmate donated items shall be disposed of by one of the following methods:
• Donated to a charitable organization.
• Rendered useless or inoperable by disposing of it as trash.
• Retained for reissue if useful.
• Television sets which conform to the limitation of DOM 54030 and are in working condition may be reissued to indigent inmates.

52051.18 Revisions
The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this article are kept current and accurate.

52051.19 References
PC §§ 2790, 5054, 5058, 12028, and 12030.
CCR (15) (3) §§ 3006, 3152, and 3190.
ACA Standards 2-4192, 2-4195, and 2-4377.

ARTICLE 21 — INMATE USE OF TELEPHONES
Revised February 29, 2008

52060.1 Policy
To provide inmates with the means and the opportunity to make personal calls to persons outside the institutions/facilities of the Department.

52060.2 Purpose
To establish procedures in the use of intrainstitution/intrafacility telephones for business purposes, authorizing confidential phone calls between inmates and their attorneys of record, and the use of public telephones for personal calls by inmates.

52060.3 Use of Intrainsitution Telephone by Inmate
Inmates shall not use intrainsitution/intrafacility telephones except as specifically required and authorized by their assignment supervisor for communication with offices and personnel within the institution/facility. Inmates shall identify themselves as “inmate (by name)” when answering or placing an intrainsitution telephone call. Inmates shall not use or be allowed access to an institution/facility telephone with the capability of direct connection with a public system, except as authorized in this Article.

52060.4 Public Telephone Access
Each institution/facility shall provide public telephones for the use of general population inmates to make personal calls. Each institution/facility shall also provide Telecommunication Device for the Deaf (TDD) telephones for use by inmates with a documented severe hearing impairment for personal, emergency, and confidential calls. The TDD telephone calls are subject to the same policies and procedures as are in place for telephone calls for general population inmates with the following exceptions.

• Extended time shall be scheduled for these calls due to the time delay which results from the TDD relay process.
• TDD telephones may be necessary to provide accommodations for inmates and their callers with disabilities.

The institution/facility shall ensure effective telephone communication for inmates with disabilities and/or the disabled person(s) with whom they are communicating.

52060.5 Inmate Personal Calls
Inmates may make personal calls to persons outside the institution at designated times and on designated telephones according to their privilege group designation. Limitations shall be placed on the frequency of such calls to allow equal access to Telephones. No limitation shall be placed on the numbers, identity, or relationship to the inmate of the person called, providing the person being called agrees to accept all charges for the call.

52060.6 Scheduling of Outside Telephone Calls
Revised December 14, 2012
Telephone sign-up sheets covering seven days will be maintained and logged weekly. Sign-up sheets shall be divided in 15 minute increments. Sign-ups for inmate telephone calls will be accepted during program hours on second and third watch only.

• Inmates must present their identification card to sign up.
• Inmates may not sign up for a call time slot during their work/training hours.

If an inmate fails to appear for the call at the designated time, the next scheduled caller will be allowed to place their call or the telephone will remain vacant.

Inmates shall not, under any circumstances, charge phone calls to credit cards or place third party calls. Inmates shall not declare an Emergency Interruption to the telephone operator when placing telephone calls.

52060.7 Identification of Privilege Group
Revised December 14, 2012
Officers supervising the telephone sign-up shall check privilege group to ensure eligibility for the call.

• Privilege Group A:
  • Telephone calls during the inmate’s non-work/training hours shall be limited only by institution/facility telephone capabilities, and hours of general population unlock.

• Privilege Group B:
  • One personal telephone call period per month.

• Privilege Groups C, D, and D&U:
  • Telephone calls on an emergency basis only as determined by institution/facility staff.

• DD:
  • All privileges generally associated with the inmate’s work/training incentive group’s status shall be suspended during a period of DD.

Inmates housed in AD-SEG Units, either voluntarily or under the provisions of CCR, 3335, will be allowed to make outside telephone calls that approximate those for the work/training incentive group to which the inmate is assigned, except that individual calls must be specifically approved by the supervisor in charge of the unit before a call is made.

52060.8 Confidential Telephone Calls
Wardens may delegate authority to specific staff members to authorize confidential telephone calls between an inmate and the inmate’s attorney, or any other person when designated staff determines that confidentiality is warranted. Approval and clearance for a confidential phone call between an inmate and their attorney shall be conducted according to Section 3282 of the Title 15. The CDRC Form 106-A shall be used to document clearance. The information in the CDRC Form 106-A shall be updated regularly, but no less frequently than annually. Authorized confidential calls shall not be monitored or recorded. However, inmates will be under constant visual observation during the confidential phone call. Confidential calls shall not be placed on designated inmate telephones.

52060.9 Emergency Calls
Revised September 25, 2007
An emergency is defined as a death, serious illness, or accident involving an immediate family member as defined in Title 15, Section 3000. When a member of an inmate’s family calls to convey an emergency message, the call shall be referred to the appropriate Chaplain or Correctional Counselor. If the Chaplain or Correctional Counselor is not available, the call shall be referred to the Program Lieutenant. In the absence of the Program Lieutenant, the Watch Commander shall accept the call. The staff member accepting the call shall attempt to verify the emergency.

The inmate shall be informed of the message and may be permitted a monitored telephone call, which shall be placed as a collect call or paid for by the inmate’s trust account. If the inmate is permitted an emergency call, upon completion of the call, the staff member shall evaluate the inmate’s reactions and behavior in order to determine whether or not an increase in custody and/or change of housing and/or follow-up counseling is required. If the staff member is unable to independently make a determination, the matter shall be referred to the appropriate administrator.

Trust account withdrawal telephone calls shall not be placed on public inmate telephones. Time and charges for approved calls shall be recorded on
the CDC Form 193, Trust Account Withdrawal Order, by the staff who monitors the call. (See DOM 23000.) If the inmate is permitted to place a call, the time, date, person called, and the inmate’s response shall be recorded on the CDC Form 128-B, General Chrono. The original sent to the Record’s Office for the inmate’s C-File and a copy to the inmate.

52060.10 Release From Work/Training Assignment to Respond to Emergency
Inmates shall be notified of an emergency while on their work/training assignment at the time of the emergency call.

If an inmate is requested to respond to an emergency call during their work/training assignment, the inmate’s supervisor shall release the inmate to respond to the staff’s request.

The inmate shall receive “S” time credit for the authorized absence.

52060.11 Telephone Branding
Whenever an inmate makes a telephone call on an inmate telephone, the call may have an announcement before and at random intervals during the call. This announcement is known as branding and consists of the following:

Before the call the following may be heard by both the inmate and the person called:

This is the operator. I have a collect call from (inmate name), at a California correctional facility. This call and your number will be recorded. To deny charges, hang up now. To accept charges, press 5 now.

At random intervals during the call the following may be heard by both the inmate and the person called:

This recorded call is from an inmate at a California correctional facility.

52060.12 Telephone Monitoring
Inmate telephone calls on intrainstitution/intrafacility or designated inmate telephones are subject to being monitored at any time by institution staff.

52060.13 Notice of Monitoring
A conspicuous notice, in the English and Spanish languages, shall be posted at each telephone installation where inmates are normally permitted to make personal outside calls.

- The notices shall read: Any call placed on this telephone may be monitored and recorded without prior notice to the caller or the person called.
- Use of this telephone constitutes consent to monitoring, recording, and acceptance by the caller of the responsibility to inform the person called that their conversation may be monitored and recorded.
- When outside calls are permitted from a telephone where this notice is not posted, the staff member authorizing the call shall verbally inform the inmate of the notice information.

52060.14 Devices and Taping Capabilities
Telephone monitoring devices shall be utilized whenever the telephones are in use. Taping capabilities shall be used as needed by monitors.

If staff believes that illegal activities will transpire over the telephone during a particular call, that call shall be recorded.

Monitors shall terminate all inmate calls regarding:

- Drug trafficking.
- Proposed or actual violence.
- Any information adversely affecting the operation, safety, or security of the facility, transportation actions, the CDC, or its employees.
- Calls exceeding 15 minutes.
- Disrespectful comments and/or obscenities directed towards the telephone employee (operator).
- Monitors shall immediately report to the watch commander any information adversely affecting the security or safety of the institution/facility.

52060.15 Revisions
The Director, DAI, or designee shall ensure that the content of this Article is accurate and current.

52060.16 References
CCR §§ 3282, 3044, 3335 and 3343.
ACA Standards 4-4271, 4-4272, and 4-4497.

ARTICLE 22 — GANG MANAGEMENT

(Previously contained in Restricted DEPARTMENT OPERATIONS MANUAL [DOM], Section 55070)

52070.1 Policy
The California Department of Corrections and Rehabilitation (CDCR) prohibit individuals under its jurisdiction from any type of participation in gang activity and maintains a pro-active stance in the arena of gang suppression.

The CDCR provides inmates and parolees the opportunity to disassociate themselves from gangs and gang activities, making available to them programs consistent with their custody/supervision needs.

52070.2 Purpose
This Section defines staff responsibilities and provides uniform procedures for the management of gangs.

52070.3 Gangs And Public Safety
The CDCR has determined that gangs and their activities are a threat to the security of prisons and jails and are a clear and present danger to public order and safety.

52070.4 PHILOSOPHY
The preservation of public safety is the guiding principle of the criminal justice system in the State of California. The CDCR strongly endorses this basic principle.

The CDCR is mandated to control convicted offenders through institutional housing and parole supervision. In addition, the CDCR provides opportunities for offenders to take responsibility for their lives and improve their chances to become positive members of the community.

The CDCR has determined that prison gangs and disruptive groups, through their illegal activities, are a threat to the security of all institutions and camps. They are also a definite danger to public order and safety.

This Article provides direction for implementing the CDCR’s policy in the arena of gang management and suppression.

52070.5 Gang Management Strategy
The CDCR’s gang management strategy shall be to identify gang affiliated inmates/parolees, track them, monitor their conduct, take interdiction action, and apply sanctions when they are found to be involved in illicit or unlawful gang activity.

52070.5.1 DOCUMENT GANG INVOLVEMENT AND ACTIVITY
Staff shall document all allegations of inmate/parolee gang involvement and activity. The documentation shall be placed in the inmates’/parolees’ central files and copies shall be routed to the gang investigators.

52070.5.1.1 ADMINISTRATIVE OFFICER OF THE DAY/REPORTING ACTIVITY OF GANG AFFILIATED INMATES
The Administrative Officer of the Day, DAI, shall use the CDCR Form 837 series, Crime/Incident Report, to report, monitor, and compile statistical data regarding the activity of gang affiliated inmates.

The CDCR Form 837 series shall be accomplished and distributed per DOM, Chapter 5, Article 3. Additionally, the accomplishing staff shall route to their institution’s gang investigator a copy of all CDCR Form 837 series, which report gang involved incidents.

Accomplishing staff shall ascertain whether any inmate involved in an incident is identified as a gang affiliate. If so, Part A of the CDCR Form 837 series shall be marked “GANG INVOLVED” in the Exceptional Activity section. Also, each inmate’s validated or suspected gang affiliation shall be listed on Part-B1 of the CDCR Form 837 series.

Accomplishing staff shall ascertain whether an inmate is a validated gang affiliate by reviewing any pertinent documents in the inmate’s central file to include, but not limited to, the CDC Form 812-A, Notice of Critical Information – Prison Gang Identification, and CDC Form 812-B, Notice of Critical Information – Disruptive Group Identification, which are contained in the central file.

52070.5.2 Gang Identification and Validation

Revised September 23, 2005

Revised August 9, 2011

Departmental regulations and procedures for identification of gang affiliates shall be uniformly applied. Each institution, parole region, and field office of the Office of Correctional Safety (OCS) shall assign gang investigators to identify gangs and gang involved individuals. The Chief, OCS, shall have management responsibility for the validation of those inmates/parolees so identified by the gang investigators as outlined in this DOM Article.

52070.5.3 Gang Activity Interdiction
The gang investigators, under coordination of the Chief, OCS, shall join with task forces comprised of local, State, and federal law enforcement personnel
to track, monitor and interdict, within the framework of law, the illicit and unlawful behavior of gangs.

52070.5.4 GANG ACTIVITY SANCTIONS
Inmates/parolees found to be in violation of criminal or administrative statutes shall be dealt with in the strictest possible legal manner. For inmates, this shall include, but not be limited to, loss of privileges, increase in custody, loss of work credits, enhancement of penalties, segregation from the inmate general population, and referral for criminal prosecution. For parolees, this shall include, but not be limited to, imposition of expanded special conditions of parole, increased levels of supervision, incarceration, referral to the Board of Parole Hearings for revocation proceedings and referral for criminal prosecution.

52070.6 Cooperation with Other Criminal Justice Agencies
Departmental gang investigators shall fully cooperate with investigators from other criminal justice agencies, on a need-to-know basis, regarding gang-involved investigations and information sharing.

Departmental gang investigators shall join and participate in local, regional, and statewide law enforcement task forces dedicated to gang intelligence sharing and gang activity suppression.

52070.7 ROLE AND AUTHORITY OF THE CHIEF, OFFICE OF CORRECTIONAL SAFETY
The Assistant Secretary, OCS, shall have management responsibility for SSU’s Gang Intelligence Operations section and its gang investigators. Gang investigators shall be senior special agents, special agents, Correctional Lieutenants, and Correctional Sergeants assigned to the unit. The SSU gang investigators shall be selected by the Chief, OCS.

52070.7.1 PRISON GANG DESIGNATIONS
The Assistant Secretary, OCS, shall determine when criminal groups have formed into actual prison gangs in accordance with the criteria established in this DOM Article.

52070.7.2 COORDINATE GANG PROGRAM
The Assistant Secretary, OCS, shall coordinate the CDCR’s gang intelligence, identification, validation, and suppression program and coordinate that program with other criminal justice agencies.

52070.7.3 CALIFORNIA GANG TASK FORCE RESPONSIBILITY
The Assistant Secretary, OCS, shall have management responsibility for meeting the administrative needs of the California Gang Task Force (CGTF).

52070.8 ROLE AND AUTHORITY OF WARDENS
Wardens shall have management responsibility for their respective gang investigators.

Each institution shall have a gang investigator designated as an Institutional Gang Investigator (IGI) or investigative lieutenant. Gang investigators shall be Correctional Lieutenants. Gang investigators shall be selected by their Wardens.

Wardens shall ensure that gang involved or related occurrences and information are brought to the attention of appropriate personnel.

52070.9 ROLE AND AUTHORITY OF REGIONAL PAROLE ADMINISTRATORS
Regional Parole Administrators (RPA) shall have management responsibility for their respective gang investigators. Each parole region shall have a Regional Gang Investigator. Gang investigators shall be in the Parole Agent II classification. Gang investigators shall be selected by their RPAs.

RPAs shall ensure that gang involved or related occurrences and information are brought to the attention of appropriate personnel.

52070.10 Role and Authority of the Parole Operations Administrator
The Parole Operations Administrator of the Division of Adult Parole Operations (DAPO) shall be responsible for developing and implementing the division's gang management procedures.

52070.10.1 GANG INVESTIGATOR FUNCTIONAL SUPERVISION
The Paroles Operations Administrator shall have functional supervision over the regional gang coordinators regarding the division's gang management procedures.

52070.10.2 GANG INVOLVED PAROLEE ARREST/INCIDENT NOTIFICATIONS
The Paroles Operations Administrator shall ensure that the Gang Intelligence Operations Unit is promptly notified of all arrests or incidents involving gang-affiliated parolees. The Operations Administrator shall maintain a close working relationship with the SAC, OCS, and the Senior Special Agent, Gang Intelligence Operations, regarding gang management matters.

52070.11 ROLE AND AUTHORITY OF THE SAC, OCS
The SAC, OCS, Gang Intelligence Operations or designee shall have functional supervision of the Senior Special Agent, Gang Intelligence Operations, and the IGIs, (as it relates to validations, debriefings, and gang investigations/intelligence). The SAC shall be apprised of all gang management matters affecting, or having a potential to affect, departmental policy or procedure.

52070.11.1 RELATIONSHIP WITH DAPO AND SSU
Revised August 9, 2011
The Office of Correctional Safety, Fugitive Apprehension Team Administrator, or designee shall maintain a close working relationship with the DAPO Administration regarding significant incidents involving parolees. All incidents which require arrest, surveillance, or consultation and are considered serious in nature, high notoriety, public, or special interest cases, shall immediately be referred to the OCS Administrator, or designee for appropriate disposition.

52070.11.2 Gang Involved Inmate Incident Notifications
The institution and parole’s Gang Investigators shall ensure that Gang Intelligence Operations is promptly notified of all arrests or incidents involving gang affiliated inmates.

52070.12 Role and Authority of the Senior Special Agent, Gang Intelligence Operations, SSU
The Senior Special Agent shall report directly to the SAC, OCS. The Senior Special Agent supervises the SSU Gang Intelligence Operations section which includes the SSU gang investigators (Special Agents), and the Correctional Lieutenants, Sergeants, and ancillary staff of the Gang Intelligence Operations Debriefing Team. The Senior Special Agent shall maintain a close working relationship with the SAC, Chief, Classification Services, and DAPO Administrator regarding gang management matters.

52070.12.1 GANG INVESTIGATOR FUNCTIONAL SUPERVISION RESPONSIBILITY
The SAC, OCS shall have functional supervision over the DAPO and the DAPO gang investigators regarding investigation, identification, validation, monitoring, and tracking of gang affiliates.

52070.12.2 RECEIVING AND DISSEMINATING INFORMATION
The SAC, OCS, or designee shall be the CDCR's main spokesperson regarding gang information and shall have primary responsibility for:

- Receiving, analyzing, coordinating, and disseminating pertinent prison gang and disruptive group data to assist respective managers regarding security of institution and parole operations.
- The sharing of this information between the Institutions, DAPO, the departmental training center, and other criminal justice agencies at the local, State, and federal levels.
- Information potentially affecting the policies and/or procedures of the CDCR shall require authorization from the Assistant Secretary, OCS or designee prior to being disseminated.
- Prior to releasing any gang related documents to any court or attorney, either voluntarily or under subpoena, the CDCR’s Office of Legal Affairs (OLA) shall be contacted and informed of the request and the nature and contents of the documents requested/demanded. The OLA shall provide guidance for release. All documents released from the control of the OCS shall have the approval of the Assistant Secretary, OCS, prior to release.

52070.12.3 PREPARING AND DISSEMINATING REPORTS
The SAC, OCS or designee shall be responsible for the preparation of charts, assessments, statistical reports, and other material as required to provide an accurate portrayal of gang activity. The SAC, OCS shall disseminate this information to departmental and other criminal justice agency managers and gang investigators on a need-to-know basis as authorized by the Assistant Secretary, OCS.

52070.12.4 California Gang Task Force
The SAC, OCS, or designee shall serve as coordinator of the CGTF. The CGTF is comprised of criminal justice agency personnel from numerous local, State, out-of-state and federal jurisdictions. As coordinator, the SAC, OCS, responsibilities include:

- Processing membership and guest applications.
- Maintaining records.
• Scheduling meetings at locations throughout the State.
• Chairing the two (2) day, each month, gang intelligence-sharing meetings.
• Collecting, dispensing, and maintaining meeting fees.
• Handling correspondence.
• Preparing and distributing a monthly summary of reported gang activity.
• Preparing statistical reports.

52070.12.5 GANG INVESTIGATOR MEETING
Prior to the CGTF meeting, the SAC, OCS, or designee shall meet with all departmental gang investigators to ensure that the CDCR is represented at the CGTF meeting by a cohesive, organized group. Additionally, this meeting shall serve as a training session regarding gang identification, validation, etc., and shall provide an opportunity to exchange gang-intelligence information at the operational level.

52070.12.6 ASSISTANCE AND DATA REQUESTS
The Senior Special Agent shall be responsible for coordinating requests for gang activity data, training, and investigative assistance received from departmental as well as other criminal justice agencies.

52070.13 GANG INVESTIGATOR SELECTION CRITERIA
To be eligible for selection by their respective managers, gang investigator candidates shall have the civil service positions of either Special Agent/Senior Special Agent, Parole Agent II, or Correctional Lieutenant and shall:
• Have a good working knowledge of prison gangs and disruptive groups.
• Be highly motivated to investigate organized criminal activity and gang affiliations.
• Be well organized, efficient, and possess good interpersonal, communication, and analytical skills.
• Have the necessary verbal skills to make presentations and conduct training regarding gangs to large audiences.

52070.14 ROLE AND RESPONSIBILITY OF GANG INVESTIGATORS
The Regional Parole Gang Investigators shall be directly responsible through their chains of command to their respective RPA or designee, and shall be functionally supervised by the Parole Operations Administrator and the SAC, OCS.

The IGIs shall be directly responsible through their chains of command to their respective Wardens and shall be functionally supervised by the SAC, OCS, and the Senior Special Agent, Gang Intelligence Operations, SSU.

52070.14.1 OBTAIN AND SHARE INFORMATION
The gang investigators shall have the primary responsibility in their respective institution or region for collection of information in regard to gang affiliations or gang-related criminal activities. They shall collect information from various sources and transmit this information to their respective Wardens or RPAs, SAC, OCS, and to the Senior Special Agent without delay.

The gang investigators shall maintain a close working relationship with other staff. They shall collect, analyze, and transmit any material or information of significance to their respective managers, SAC, OCS, and to the Senior Special Agent. They shall be responsible for documenting gang members and associates (and their visitors at respective institutions). They shall monitor new arrivals to their respective institutions or parole regions, particularly new commitments from and to Reception Centers. They shall maintain regular telephonic contact with other investigators, local law enforcement agencies, and other appropriate individuals as necessary so as to provide an avenue for the exchange of information.

The gang investigators shall maintain regular telephonic contact with the Senior Special Agent and shall convey important data, including inmate/parolee gang-involved incidents or arrests, without delay. These telephonic contacts shall be followed up by necessary reports and/or documents. Wardens and RPAs or their designees shall be apprised of all information obtained by their respective investigators so that the information will reach appropriate personnel.

52070.14.2 PROVIDE TRAINING
The gang investigators shall provide training for CDCR personnel and personnel from other jurisdictions on matters related to gangs. Should assistance be necessary, the Senior Special Agent may be contacted.

52070.14.3 CLASSIFICATION RESOURCE
The gang investigators shall be a resource in the classification process in matters related to gangs.

52070.14.4 MEETINGS AND CONFERENCE CALLS
The gang investigators shall attend/participate in such meetings and telephone conference calls as are deemed necessary by the Chief, OCS, in concurrence with their respective managers. These meetings/conference calls shall be coordinated and supervised by the SAC, OCS, or the Senior Special Agent; for example, California Gang Task Force meetings, etc.

52070.14.5 INMATE/PAROLEE COOPERATION WITH OTHER JURISDICTIONS
Whenever a gang investigator becomes aware that a high notoriety inmate or parolee wishes to cooperate with the CDCR and/or other law enforcement agencies regarding a debriefing or other gang information, or if the matter is potentially complicated, the SAC, OCS, and the Senior Special Agent shall be notified. The Senior Special Agent, in concert with the SAC, OCS, shall determine the debriefing process, etc. Thereafter, the respective manager shall be apprised of the debriefing or other information. All outside agency requests for debriefing shall be referred to the applicable investigator and/or the Senior Special Agent.

52070.14.6 PROVIDE EMERGENCY TELEPHONE NUMBER
All gang investigators shall provide their managers, SAC, and the Senior Special Agent with a telephone number where they can be reached after working hours in the event of an emergency.

52070.15 GANGS DEFINED
As referenced in CCR Section 3000, a gang is defined as any ongoing formal or informal organization, association, or group of three (3) or more persons, which has a common name or identifying sign or symbol whose members and/or associates engage or have engaged on behalf of that organization, association, or group in two or more illicit activities which include, but are not limited to, planning, organizing, threatening, financing, soliciting, or committing unlawful acts or acts of misconduct classified as serious pursuant to CCR Section 3315.

52070.15.1 PRISON GANGS DEFINED
A prison gang is defined as any gang which originated and has its roots within the CDCR or any other custodial system.

52070.15.2 DISRUPTIVE GROUPS DEFINED
A disruptive group is defined as any gang, other than a prison gang.

52070.16 AUTHORIZED GANG INVESTIGATIONS
Only gangs and their affiliates specified in this DOM Article shall be investigated.

52070.16.1 PRISON GANG INVESTIGATIONS
Prison gangs, as designated by the Chief, OCS, and their affiliates shall be investigated.

52070.16.2 DESIGNATED PRISON GANGS
• Aryan Brotherhood (AB).
• Black Guerrilla Family (BGF).
• Mexican Mafia (EME).
• Nazi Low Rider (NLR).
• Northern Structure (NS).
• Nuestra Familia (NF).
• Texas Syndicate (TS).

Recognized prison gangs shall be designated by the Chief, OCS. The Chief, OCS, may amend the above list of identified prison gang(s) as necessary.

52070.16.3 DISRUPTIVE GROUP INVESTIGATIONS
Disruptive groups, and their affiliates, as recognized by the Chief, OCS, the SAC, OCS, the departmental managers, individual Wardens, institutional managers, and/or gang investigators shall be investigated.

52070.16.4 RECOGNIZED DISRUPTIVE GROUPS
Disruptive groups include, but are not limited to:
• Precursor gangs that may become prison gangs.
• Street gangs.
• Revolutionary groups.
• Motorcycle gangs.
• Terrorist groups/affiliates.
IDENTIFICATION OF GANG AFFILIATES
The identification of gang affiliates shall be accomplished by gang investigators in accordance with DOM, Chapter 6, Article 2, Case Considerations.

DOCUMENTING GANG AFFILIATION ON A CDC FORM 812-A OR B
If, after the thorough investigation and documentation prescribed by DOM, Chapter 6, Article 2, the gang investigator concludes the inmate/parolee is gang affiliated (active or inactive) or has had a change in gang status, the investigator shall complete either a CDC Form 812-A, Notice of Critical Case Information – Prison Gang Identification, or a CDC Form 812-B, Notice of Critical Case Information – Disruptive Group Identification. On the form, the gang investigator shall document the affiliation, category of involvement, and the original, independent source items of information contained in the central file, which were used to support the conclusion. The completed CDC Form 812-A/B shall be retained in the inmate’s/parolee’s central file and the inmate/parolee shall be given a copy. Current activity is defined as any documented gang activity within the past six (6) years consistent with CCR Section 3341.5(c)(5).

DOCUMENTING GANG AFFILIATION ON A CDC FORM 128-B
The gang investigator shall also document in narrative fashion on a CDC Form 128-B, General Chrono, the inmate’s/parolee’s gang affiliation, category of involvement, and specify each original, independent source item of information contained in the central file, which was relied upon to support the conclusion. A CDC Form 128-B shall also be used to document insufficient evidence to support a conclusion of gang affiliation. Documentation shall begin with a definite conclusion of finding based upon the evidence. It shall not be inconclusive or equivocal. The completed CDC Form 128-B shall be retained in the inmate’s/parolee’s central file and the inmate/parolee shall be given a copy. The investigator shall also assure the inmate/parolee has received copies of all non-confidential documents used in the validation. All confidential information used in the validation shall be disclosed to the inmate via CDC Form 1030, Confidential Information Disclosure Form. This documentation shall be disclosed to the inmate/parolee per the procedure defined in this DOM Article.

EXAMPLE LANGUAGE FOR CDC FORM 128-B, RE: GANG AFFILIATION CONCLUSION
After a thorough review of the evidence, I have concluded that inmate/parolee John Doe, D-00000, is an associate (etc.) of the prison gang/disruptive group “X.” This is supported by: (1) “Item”; (2) “Item”; etc.

EXAMPLE LANGUAGE FOR CDC FORM 128-B, RE: A CONCLUSION OF NO GANG AFFILIATION
After a thorough review of the evidence, I have concluded there is no or insufficient information to support that inmate/parolee John Doe, D-00000, is affiliated with the/prison gang/disruptive group “X.” (provide an explanation.)

Verification Of An Inmate/Parolee’s Gang Identification
The verification of an inmate/parolee’s gang identification shall be validated or rejected by the Chief, OCS, or his/her designee.

CATEGORY OF GANG INVOLVEMENT
The identification of the category of an inmate’s/parolee’s involvement within a gang shall be based upon the strength of the required documentation in the inmate’s/parolee’s central file, not upon multiple, same source documentation. Only the categories in this DOM Article shall be used to identify an inmate’s/parolee’s gang involvement.

“DELETE” CATEGORY
“Delete” designates the inmate/parolee is no longer believed to have been an affiliate of a gang due to a lack of substantiation. This identification is used to remove an inmate/parolee from the gang data base.

“MEMBER” CATEGORY
“Member” designates an inmate/parolee who has been accepted into membership by a gang. This identification requires at least three (3) original, independent source items of documentation indicative of actual membership. At least one (1) of the sources shall be a direct link to a validated member/associate or former member/associate (dropout). The source items shall meet the requirements established in CCR Section 3378.

“ASSOCIATE” CATEGORY
“Associate” designates non gang members who are involved periodically or regularly with members or associates of a gang. This identification requires at least three (3) original, independent source items of documentation indicative of association with VALIDATED gang members and/or associates. At least one (1) of the sources shall be a direct link to a validated member/associate, such as a validated member/associate or former member/associate (dropout). The source items shall meet the requirements established in CCR Section 3378.

“INACTIVE” CATEGORY
An inmate housed in general population as a gang member or associate may be considered for “inactive” status when the inmate has had no documented gang activity for two (2) years. If the inmate paroles during this two year period, the parole time may be used in calculating the two (2) years. The “inactive” status can be changed back to (active) member/associate if the Department receives one (1) piece of evidence indicating the inmate has re-involved himself/herself with gang activity.

An inmate housed in SHU as a result of his/her gang member or associate status, may be considered for “inactive” status by the Departmental Review Board (DRB).

Consistent with normal reviews, the IGI shall conduct a review of the inmate’s gang status. If it has been determined by the IGI that the inmate has had no gang activity for a period of six (6) years, the IGI shall submit a request to the SSU to change the inmate’s status to “inactive.” If the SSU concurs with the IGI’s recommended gang status change, a new CDC Form 128B-2 shall be issued identifying the inmate as an “inactive” member/associate. Upon issuing a new CDC Form 128B-2 identifying the inmate as “inactive,” the DRB shall be notified by the housing institution. At its convenience, but not to exceed 180 days, the DRB shall meet and consider the inmate for placement in a level IV, 180 design housing unit for a period of observation. At the DRB’s discretion, the inmate may be transferred to a level IV, 180 design institution.

If the inmate paroles from the SHU prior to his/her six (6) year IGI “inactive” review, and is then returned to CDCR custody on a parole violation or new term, the parole time will be taken into account for the total time. However, if the most recent source of activity used in the inmate’s validation is less than six (6) years old, the inmate shall be returned to SHU placement until he/she has obtained a minimum of six (6) years without any documented gang activity.

The “inactive” status may be changed back to (active) member/associate if the Department receives one (1) piece of evidence indicating the inmate has reinvolved himself/herself with gang activity.

“DROPOUT” CATEGORY
“Dropout” designates that the inmate/parolee was either a gang member or associate who has discontinued gang affiliation. This identification requires the inmate/parolee to have cooperated in, and successfully completed, the debriefing process as specified in this DOM Article, Sections 52070.20 through 52070.20.8.3.

DEBRIEFING
Debriefing is the process by which an investigator determines whether an inmate/parolee (subject) has dropped out of a gang. A subject shall be debriefed only upon his/her request, although staff may ask a subject if he or she wants to be debriefed. Debriefing shall entail a two-step process that includes an interview phase and an observation phase.

ROLE AND RESPONSIBILITY OF THE GANG INTELLIGENCE OPERATIONS, DEBRIEFING TEAM
The debriefing team is tasked with the responsibility of debriefing validated prison gang members desiring to disassociate themselves from the gang. The primary objective of the team shall be to debrief validated prison gang members housed in SHU. The team may be used to perform other functions at the discretion of the Chief, OCS.

DEBRIEFING OBJECTIVE AND PURPOSE
The objective of a debriefing is to learn enough about the subject and the subject’s current gang to:
- Allow staff to reasonably conclude the subject has dropped out of that gang.
- Allow staff to separate the subject from identified active gang affiliates, protecting the subject from their retaliation.
- Allow staff to reclassify the subject regarding possible new custody, housing, and assignment needs.
- A debriefing is not for the purpose of acquiring incriminating evidence against the subject.
52070.19.3 **PRE-DEBRIEFING MIRANDA WARNING NOT GIVEN**

A waiver of the Fifth Amendment right against self-incrimination is not a precondition of a subject undergoing debriefing. Subjects who undergo debriefings are not first given Miranda warnings with the express intent that any information provided shall be used administratively and not against them in a criminal proceeding.

Additionally, a pre-debriefing Miranda warning is not deemed necessary because:

- The subjects shall be debriefed only upon their request (staff may inquire if they want to debrief).
- Subjects shall not be required to complete their debriefing.
- Subjects may terminate their debriefing at any time.

52070.19.4 **MIRANDA WARNING**

If during the debriefing the subject begins to relate the commission of a serious, chargeable crime, the gang investigator may stop discussion about the matter and continue on with another topic. After debriefing completion, the gang investigator may Mirandize and question the subject about the crime.

A subject may provide information during the debriefing that indicates self-incriminating evidence about a crime. After debriefing completion, the gang investigator may Mirandize and question the subject about the crime.

52070.19.5 **Debriefing Success Not Determined By Invoking Miranda**

If the subject then exercises the right not to incriminate him/herself, the exercise of that right shall not affect the determination of whether the subject successfully participated in the debriefing.

52070.19.6 **REPORTING ALLEGED VIOLATIONS OF LAW OR REGULATION**

Information obtained during a debriefing alleging an individual other than a peace officer, public official, or public employee committed violations of law or regulations shall be documented in the debriefing report and shall be reported by the gang investigator who conducted or supervised the debriefing to the gang investigator of the institution or other agency having jurisdiction over where the violation occurred. The debriefing report shall identify the institution/agency and individual to whom the allegation was reported. The recipient IGI shall notify institution management per local procedure.

52070.19.7 **REPORTING ALLEGED PUBLIC OFFICIAL VIOLATIONS OF LAW OR REGULATION**

Information obtained during a debriefing alleging a peace officer, public official, or public employee committed violations of law or regulation shall be immediately reported by the gang investigator who conducted or supervised the debriefing to their respective Warden or RPA. The gang investigator shall notify the affected agency(s) of the allegation(s). Such allegations shall be reported separately on a memorandum. If there is more than one (1) peace officer or other official, prepare a separate memorandum report on each person (unless they are alleged crime partners). The memorandum(s) shall:

- Be typed by a confidential employee.
- Not be entitled a “debriefing.”
- Be marked “Confidential-Employee (or public official, etc.) Involved,” as appropriate.
- Contain an assessment of the informant’s reliability.
- Identify the agency and person notified of the allegation.
- Be signed or countersigned by the gang coordinator/investigator.

The gang investigator shall deliver copies of the memorandum(s) to management per local procedure. Additionally, copies shall be delivered to concerned departmental officials on a strict need-to-know basis and to the Senior Special Agent.

Copies of these memorandum(s) shall not be placed in the central file of the subject or any other inmate/parolee.

52070.19.8 **DEBRIEFING REPORT**

Information obtained during a debriefing shall be documented on a confidential memorandum entitled a “debriefing report.” The debriefing report shall be signed or countersigned by the gang investigator.

52070.19.8.1 **CONFIDENTIAL DESIGNATION**

Preceding the debriefing report narrative, the gang coordinator/investigator or their assistant shall document the need to designate the debriefing report as confidential, either from the subject, others, or both. A confidential designation shall adhere to the CCR, Title 15 regarding confidential material. This encompasses information which, if known to the inmate/parolee (subject or others), would endanger the safety of any person or would jeopardize the security of an institution.

52070.19.8.1.1 **Confidential From Subject**

A debriefing report may be designated as confidential from the subject when the subject has requested a confidential designation and the gang investigator has determined security would best be served by filing the report in the subject’s confidential folder rather than another section of the central file.

If the debriefing report is designated confidential from the subject only per the subject's request, the subject shall review the debriefing report, initial each page of the report, and sign a declaration at the top of the first page which reads: “I, __________, have read this report and attest that it accurately relates the information I provided. The only exception(s) appear on my attached written statement.”

If there are no exceptions, the subject shall write the words “None” at the end of the declaration and initial.

If there are one (1) or more exceptions, the subject shall write them on a separate, signed statement. The gang investigator or their assistant shall attach this signed statement to the back of the debriefing report and indicate “see attached” on the report.

52070.19.8.2 **RECAPITULATION OF GANG AFFILIATES**

All persons reported by the subject as being an affiliate, including dropouts, of any gang, including those previously noted in the narrative, shall be documented on a list in alphabetical order. The list shall be at the end of the debriefing report.

If possible, the list shall contain each identified person’s full name, moniker, CDC number (or the words “NON-CDC” and date of birth [DOB]), hometown/area, gang involvement (AB Assoc., NF Cat III, etc.) and CDCR location (institution, parole region, or discharged). The required information may be obtained from the debriefed subject or via OBIS and CLETS.

Only information referencing specific gang related association, participation, activities, and/or conduct shall be considered for, or as, a source item for validating the inmate/parolee as a member/associate of a gang. The CDC Forms 812 and 812-C shall be updated as any critical information becomes known and is documented in the inmate/parolee’s central file. The forms shall also be reviewed and updated at the time of any change in the inmate/parolee’s status or placement.

52070.19.8.3 **DEBRIEFING REPORT DISPOSITION**

The gang investigator shall be responsible for having a copy of the debriefing report placed in the central file confidential folders of the subject (if appropriate) and all other inmates/parolees identified in the report. At the conclusion of the debriefing process and after the subject has initialed the pages or provided any exceptions to the report as defined in this DOM Article, Section 52070.20.8.1.1, the investigator shall place, along with the copy of the debriefing report, a sealed envelope which shall contain any and all original hand written documents, letters, notes, or drawings provided by the subject during the course of the debrief. The investigator shall then have the sealed envelope placed into the subject’s central file confidential folder. The investigator shall place a tracking sheet on the exterior of the sealed envelope to record the name, date, and purpose of any individual opening the envelope. The investigator may keep copies of the documents except for any document normally identified as a personal biographical history of the subject’s gang activities.

The gang investigator shall immediately send a copy of the debriefing report to the Senior Special Agent. The Senior Special Agent shall file the data for future retrieval and information needs. Additionally, the Senior Special Agent shall route copies of debriefing reports to all other gang coordinators/investigators for their confidential review.

The recipient gang investigators shall not duplicate, distribute, or copy the reports and shall return the reports to the Senior Special Agent by first-class mail for disposal.

52070.20 **VALIDATION OF GANG AFFILIATES**

“Validation” is the term used to describe the quality control review of gang affiliate identification. “Validation” is done to ensure that gang affiliate identifications are in compliance with departmental regulations.

52070.20.1 **VALIDATION REQUEST BY GANG INVESTIGATOR**

The gang investigator who verifies an inmate’s/parolee’s gang affiliation and category of involvement shall complete a Form Q, Gang Validation Worksheet (Exhibit “A”), a Form Q-1, Body Markings Diagram (Exhibit “B”), and a Form Q-2, Body Markings Photographs (Exhibit “C”) on the inmate/parolee. The gang investigator shall attach to the completed Q
series forms, a copy of the coordinator’s CDC Form 128-B memorandum with copies of the supporting documentation. This shall be known as a validation package.

Prior to submission of a validation package to the OCS, or during the inactive review process, the subject of the investigation shall be interviewed by the IG or designee and given an opportunity to be heard in regard to the source items used in the validation or inactive review. Inmates shall be given written notice at least 24 hours in advance of the interview. The interview may be held earlier if the inmate waives, in writing, the 24 hour preparation period. All source items referenced in the validation or inactive review shall be disclosed to the inmate at the time of notification. The inmate shall be given copies of all non-confidential documents unless otherwise requested in writing by the inmate. Confidential information used in the validation or inactive review shall be disclosed to the inmate via a CDC Form 1030, Confidential Information Disclosure Form. The interview shall be documented and include a record of the inmate’s opinion on each of the source items used in the validation. Staff shall record this information and provide a written record to the inmate within fourteen (14) calendar days and prior to submission of the validation package to the OCS. The documented interview shall be submitted with the validation package or inactive review to the OCS for consideration in the approval or rejection of the validation or in consideration of the inmate’s continued current active or inactive status.

The inmate’s mental health status and/or need for staff assistance shall be evaluated prior to interview. Staff assistance shall be assigned per guidelines set forth in CCR Section 3318.

The gang investigator shall forward the validation package to the Senior Special Agent, Gang Intelligence Operations, SSU, or designee to request validation.

52070.20.1.1 Security of Q Series Forms By Gang Coordinator/Investigator

The Q series forms are work products that shall not be placed in the inmate's/parolee’s central file. Further, disclosure of the category codes on the Form Q to inmates/parolees or unauthorized persons would adversely impact gang data base security, thereby jeopardizing the security of institutions and safety of individuals.

Note: The Q series forms (not filled out) are not considered RESTRICTED. However, once the Q series forms are used to record information regarding inmates/parolees, the forms shall then be classified as RESTRICTED.

52070.20.2 VALIDATION REVIEW BY ssu

Gang Intelligence Operations, SSU, shall promptly perform a quality control review of all validation packages received. If the inmate/parolee’s gang affiliation and category of involvement has been properly identified, the identification shall be validated.

52070.20.3 VALIDATION ACTION BY SENIOR SPECIAL AGENT

The Senior Special Agent or designee shall promptly document the validation action on a CDC Form 128-B2. The original CDC Form 128-B2 shall be sent to the originating gang investigator for placement in the inmate/parolee’s central file and a copy shall be sent for transmittal to the inmate/parolee. No gang affiliation shall be considered validated until this process is completed. This paragraph shall not apply to validation actions completed prior to this manual Section being placed into effect.

52070.20.4 VALIDATION REJECTION BY SENIOR SPECIAL AGENT

If the inmate/parolee has not been properly identified as a gang affiliate, the Senior Special Agent or designee shall promptly document on a CDC Form 128-B-2 that the identification does not meet current departmental standards for validation. The CDC Form 128-B2 shall direct that the erroneous CDC Forms 812-A/B and 128-B identifying the inmate/parolee as a gang affiliate be removed from the central file.

52070.20.4.1 CLASSIFICATION AND PAROLE REPRESENTATIVE (C&PR) OR RPA I (RECORDS OFFICE ADMINISTRATION) NOTIFICATION

The original memorandum shall be sent to the C&PR/RPA I (records office administration) of the originating institution/parole region for inclusion into the inmate’s/parolee’s central file and a copy shall be sent for transmittal to the inmate/parolee.

The C&PR/RPA I (records office administration) shall have the specified documents removed from the central file.

52070.20.4.2 GANG INVESTIGATOR NOTIFICATION

A copy of the memorandum shall be sent to the originating gang investigator. This copy shall cite the errors and/or deficiencies of the identification and shall contain suggestions about how to meet validation requirements. The validation package shall be returned to the originator along with a copy of the memorandum.

52070.20.5 C&PR RESPONSIBLE FOR MARKING VALIDATION DOCUMENTS

The C&PR shall be responsible for ensuring that each central file document identified and submitted as a source for gang validation is clearly and permanently marked according to its acceptance or rejection on the CDC Form 128B-2.

If the CDC Form 128B-2 identifies that the document was accepted as a source for validation, then the C&PR or designee shall mark the document with the statement; “This document meets the validation requirements established in CCR Section 3378.”

If the CDC Form 128B-2 identifies that the document was rejected as a source for validation, then the C&PR or designee shall mark the document with the statement; “This document does not meet the validation requirements established in CCR Section 3378.”

52070.21 INMATE/PAROLEE APPEALS OF GANG IDENTIFICATION AND/OR VALIDATION

Inmates/parolees may appeal their identified and/or validated gang affiliation and category of involvement pursuant to the CCR, Title 15 and the DOM.

52070.22 GANG DATA BASE

The restricted gang data base shall be maintained by the Gang Intelligence Operations section, SSU. It shall contain the names and identifiers of CDC inmates, parolees, discharges, and others whose central files or other gang files may contain documentation indicative of specified gang affiliation. The gang data base shall be compiled from validated gang identification documents.

52070.22.1 GANG DATA BASE DISCLOSURE

Departmental gang investigators shall have direct access to the gang data base to assist them with identifying and tracking gang affiliates. Access may be by computer interface, floppy/CD diskette, or hard copy (printout). When requested, departmental gang investigators may be issued a numbered gang data base diskette/CD and/or printout. The recipient shall be responsible for its security. The recipient shall be responsible for immediately returning the diskette or printout to the Senior Special Agent, Gang Intelligence Operations section by first-class mail within three (3) days of vacating the gang investigator position or upon instruction of the Senior Special Agent. Newly assigned staff shall be issued their own numbered copies.

Gang Intelligence Operations staff and gang investigators shall verbally share gang data base information with departmental personnel and personnel from other criminal justice agencies providing:

- The information shall be for intelligence use only.
- The identity of the requestor is clearly established.
- The requestor has an official need to know.

Except as provided for in this DOM Article, the gang data base shall not be disclosed, duplicated, or issued without authorization of the Chief, OCS.

52070.23 CRITICAL CASE MANAGEMENT SYSTEM (CCMS) COMPUTER PROGRAM

The restricted CCMS (pronounced see-miss) computer program is designed for departmental storage and retrieval of criminal intelligence information, including access to the SSU Gang Data Base and/or other gang records. Such access shall be by computer interface or floppy/CD diskette. CCMS shall be programmed not to print out any SSU gang records.

52070.23.1 CCMS MANAGEMENT RESPONSIBILITY

The Assistant Secretary, Enterprise Information Services (EIS), shall have management responsibility for CCMS computer program installation, maintenance, and modification. The Assistant Secretary, EIS, shall coordinate with the Director, DAPO, the SAC, OCS, and the Senior Special Agent of Gang Intelligence Operations, SSU, regarding CCMS matters.

52070.23.2 CCMS USE

CCMS shall only be used by the DAPO gang investigators and Investigative Services Unit personnel for the storage and retrieval of criminal intelligence file information.

52070.23.2.1 AUTHORIZED DATA STORAGE

Criminal intelligence files shall contain information only on the activities and associations of:

- Individuals who are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing, or
commission of criminal acts; or are suspected of being or having been involved in criminal activities with known or suspected crime figures.

- Organizations, businesses, and groups which are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing, or commission of criminal acts; or are suspected of being, or having been, illegally operated, controlled, financed, or infiltrated by known or suspected crime figures.

52070.23.2.2 UNAUTHORIZED DATA
Data excluded from criminal intelligence file storage includes material regarding religious, political, or sexual information which does not relate to criminal conduct.

52070.23.3 CCMS SECURITY
Revised August 9, 2011
Computers or computer terminals that have the CCMS program shall be restricted to DAPO, gang investigators, Investigative Service Unit personnel, and OCS personnel use only.
Inmates/parolees shall have no access to a computer or computer terminal that has the CCMS program.
The CCMS program shall be only on computers which are protected by a security system approved by the Assistant Secretary, EIS (i.e., Watchdog).
In the event of computer failure, the authorized user shall contact the local Associate Information Systems Analyst (AISA) or EIS for assistance. No computer shall be removed from its assigned station for repair or other reason unless the hard drive has been erased and reformatted either by magnet or system commands.

52070.24 GANG INFORMATION RESTRICTION
Revised August 9, 2011
Except OCS and as otherwise provided for in DOM, Chapter 6, Article 2 and this DOM Article, there shall be no departmental computer system or program, or other method of data storage, including written lists, which contains gang affiliation and/or gang intelligence information about individuals.

52070.25 CLASSIFICATION OF GANG AFFILIATED INMATES
Gang affiliated inmates shall be classified in accordance with the CCR, Title 15 and the DOM on the basis of documented individual behavior and case needs.
At the inmate/parolee’s annual review, any information or source items received/developed during the preceding year, which meets the validation requirements as defined in CCR Section 3378, shall be disclosed to the inmate/parolee on the CDC Form 812 A/B. The information need not be disclosed if it is part of an ongoing investigation or if disclosure would compromise an ongoing investigation. The inmate/parolee shall be interviewed regarding the information and a request shall be made to the OCS for an updated CDC Form 128B-2.

52070.26 TRANSFER CRITERIA FOR GANG AFFILIATED INMATES
Gang affiliated inmates shall be transferred in accordance with the CCR, Title 15 and the DOM on the basis of documented individual behavior and case needs.

52070.27 VISITING PRIVILEGES FOR GANG AFFILIATED INMATES
Gang affiliated inmates shall have visiting privileges in accordance with the CCR, Title 15 and the DOM on the basis of documented behavior and case needs.

52070.28 WORK ASSIGNMENTS FOR GANG AFFILIATED INMATES
Gang affiliated inmates shall have work assignments in accordance with the CCR, Title 15 and the DOM on the basis of documented behavior and case needs.

52070.29 MAIL FOR GANG AFFILIATED INMATES
Gang affiliated inmates may send and receive mail in accordance with the CCR, Title 15 and the DOM on the basis of documented individual behavior and case needs.

52070.30 TRAINING FOR STAFF
Peace officer and ancillary staff shall receive training regarding prison gangs and disruptive groups.

52070.30.1 INITIAL PEACE OFFICER TRAINING
Gang training shall be incorporated into the curriculum of the Correctional Officer and Parole Agent academies.

52070.30.2 PEACE OFFICER AND ANCILLARY TRAINING
Peace officer and ancillary staff shall receive ongoing gang training within their respective institutions or regions.

52070.30.3 NEWLY ASSIGNED GANG INVESTIGATORS TRAINING
Revised August 9, 2011
Gang investigators shall receive orientation training as soon as possible within thirty (30) days of their assignment from the Senior Special Agent or designee, Gang Intelligence Operations, OCS, and either the DAI, Chief of Investigative Services, or the DAPO, RPA, or designee.
The Senior Special Agent shall arrange and coordinate the training. The instructor shall designate the training location.

52070.31 TRAINING FOR PERSONNEL FROM OTHER JURISDICTIONS
The CDCR shall provide gang training, free of charge, for peace officers and non-sworn intelligence analysts from other jurisdictions.

52070.31.1 TRAINING CENTER GUEST STUDENTS
Qualified personnel from other jurisdictions may attend regularly scheduled Correctional Officer Academy basic gang classes at the departmental training center as guest students on a space-available basis.
Space availability shall be ascertained by subtracting the number of departmental students in the class from the classroom’s maximum occupancy rating.
The training center administrator shall transmit to the Senior Special Agent, Gang Intelligence Operations, SSU, the scheduled times and dates of gang classes and the number of guest student spaces available for each class.
The Senior Special Agent shall maintain a list of qualified guest student applicants and shall schedule them for the available spaces. Both the training center administrator and the applicants shall be notified in writing of the scheduling.

52070.31.1.1 GUEST STUDENT QUALIFICATIONS
In order to qualify as a guest student, the applicant shall:
- Be a peace officer or non-sworn intelligence analyst.
- Be employed by a Department/agency which is a member of the California Gang Task Force.
- Obtain authorization to attend the class from the employing Department/agency, including arrangements for travel, lodging, and meals (which shall not be provided by the training center).

52070.31.1.2 GUEST STUDENT APPLICATIONS
Guest student applications shall be submitted to the Senior Special Agent for review and approval.

52070.31.2 TRAINING GIVEN ON-SITE AT OTHER JURISDICTIONS
Other jurisdictions may request on-site gang training for sizeable groups of their peace officers and non-sworn intelligence analysts.
These requests may be directed to any departmental gang investigator. The gang investigators shall provide the requested training upon approval of local management.
The requests from other jurisdictions for on-site gang training shall be granted as often as possible, in keeping with the gang investigators work/training schedules.
Gang investigators may contact the Senior Special Agent for assistance regarding gang training, if necessary.

52070.32 REVISIONS
The Assistant Secretary, OCS, shall ensure that the contents of this Section are accurate and current.

52070.33 References
DOM, Chapter 5, Article 3; Chapter 6, Article 2.
CCR Sections 3023, 3340.1, 3341.5, 3375, 3375.3, and 3378.
Penal Code Sections 186.21, 186.22, 5054, and 5058.

ARTICLE 23 — INMATE DISCIPLINE
Effective January 19, 1990
Updated April 24, 2017
52080.1 Policy
The Department provides a graduated system of inmate discipline designed to be administered commensurate with the seriousness of the offense. Discipline shall be so administered as to maintain control, conserve human values and individual dignity and promote socially desirable changes in attitude and behavior.

52080.2 Purpose
The inmate disciplinary system incorporates statutory and constitutional mandates and provides essential due process guarantees to ensure fairness and equal application. Wardens and RPsAs shall ensure that inmate discipline is applied and administered in accordance with procedures provided in this section and in CCR 3310 through 3345.

Generally, breaches of conduct or law by inmates are observed by department staff. However, any person may initiate the disciplinary process by reporting a probable violation to a Department employee.

52080.3 Disciplinary Methods
Inmate discipline shall be dispensed by one or more of the following methods in institutions and community based correctional facilities:

- Verbal counseling. Misbehavior of a minor nature may be handled through verbal counseling and instruction. When, in the opinion of the staff member conducting the counseling/instruction, the problem has been corrected, a written report of the matter need not be submitted.
- Counseling Only RVR. When counseling/instructions as described above are deemed unsuccessful in correcting the problem, a Counseling Only RVR shall be prepared. The Counseling Only RVR shall include complete circumstances regarding the misbehavior and a statement that repetition of the behavior may result in more serious disciplinary action. When minor contraband is involved, the Counseling Only RVR shall include disposition of the confiscated contraband. If a Counseling Only RVR is completed, one copy is given to the inmate and the original is placed in the inmate C-File. At this point, the disciplinary process ends.
- Rules Violation Report (RVR). Inmate behavior which is a violation of law, CCR (15), and/or approved procedure and not of a minor nature, shall be reported on a Rules Violation Report.

52080.3.1 Supervisory Review
Rules Violation Reports and Counseling Only RVRS shall be submitted by the reporting employee to their immediate supervisor for review and approval. Supervisory review shall not delay prescribed time limits for subsequent action in the disciplinary process.

52080.3.2 CLASSIFICATION OF RULES VIOLATION REPORT (RVR)
A RVR shall be submitted to designated staff at a job classification not less than the level required to conduct serious disciplinary hearings for classification of the violation report. RVRS shall be classified as either administrative or serious.

- Administrative. Criteria has been established in CCR 3314.
- Serious. Criteria has been established in CCR 3315.

The classification of a RVR determines the procedure to be followed in preparing for and in conducting a disciplinary hearing and the action that may be taken if the inmate is found guilty of the violation.

After proper classification of a RVR, the offender receives a copy of the RVR. CDC Form 804, Notice of a Pending CDC-115 is placed in the inmate C-File. The CDC Form 804 is used to ensure that the inmate is not approved for release or transfer to another facility while there is a pending RVR.

52080.3.3 Audit of Disciplinary Rule Violation Report
Upon completion of the hearing portion of the violation charges, an audit of the violation report shall be completed by the Chief Disciplinary Officer (CDO).

The audit shall ensure:
- The RVR is complete.
- The serious/administrative classification is correct.
- Due process and time constraints were met.
- Charges and circumstances of offense coincide.
- Assessed credit forfeiture conforms to division of offense and credit loss schedules (CCR 3323).
- Findings and disposition were justified by documentation.
- Investigative employee’s/staff assistant’s determination is appropriate.
- Ensures a copy of the completed RVR is delivered to the inmate within five working days of audit by CDO.

52080.3.3.1 CDO Actions
The CDO, following the audit shall, perform one of the following:

- Approve the RVR as submitted.
- Order in writing with a copy to the inmate the RVR reissued and reheard if:
  - RVR is incomplete.
  - Due process rights were not afforded.
- Amend the RVR classification and disposition to a lesser, but included charge.

52080.3.4 Approval of Disciplinary Methods/Actions
All disciplinary methods/actions are subject to the approval of the Warden or RPA. The Warden or RPA may set aside, dismiss, order a different action, or order a rehearing of the rules violation upon:

- Their own motion.
- Recommendation of staff.
- Inmate’s request or appeal.

An order for a different method of discipline or hearing of disciplinary charges shall not result in any greater penalty or more severe action than originally taken.

**EXCEPTION:** Upon discovery of new information or evidence which was not available or reasonably discoverable at the time of the disciplinary action, the RVR may be reissued and reheard by a different hearing officer. Findings and penalty assessed may occur without regard to the previous hearing.

52080.3.5 Chief Disciplinary Officer (CDO)
The CDO duties shall not be designated below the level of Associate Warden or PA. The CDO shall:

- Audit RVR per the DOM 52080.3.3.
- Review the disciplinary process for problem areas and take corrective action as necessary.
- Review the treatment of inmates confined in DD and consider a modification of sentence when evidence indicates that the inmate is ready to conform to the rules.
- Refer all felonies occurring on institution property, including felony inmate conduct, to the institution's investigations unit for possible investigation and referral for criminal prosecution.
- Initiate disciplinary proceedings for cases referred for prosecution when an inmate revokes, in writing, a previous request for postponement of the disciplinary hearing; the DA declines prosecution; or court proceedings have concluded.
- Determine the proper senior hearing officer or committee level for Divisions A-1, A-2, and B serious RVR. This determination may be delegated to a captain, CC-III, or PA-III.
- Provide training in the disciplinary process.

**Note:** Conservation camps shall not forward serious RVRS to the CDO for examination due to the affect of geographic distances upon established time limits; however, telephonic discussion of the more serious violations is encouraged.

52080.3.6 Senior Hearing Officer (SHO)
SHOs shall not be designated below the level of captain; CC-III; PA-III; or an experienced lieutenant, CC-II and PA-II. Experienced means:

- An employee who is permanent at the designated staff level and who has received IST and/or OJT covering the responsibilities of a SHO, including mental health assessment requirements and observation of a minimum of five actual disciplinary hearings.
- The employee has been certified by the CDO or his/her designee, in writing, as competent to conduct hearings.

**Note:** A probationary, limited term, or training and development employee meeting the stated criteria and designated staff level may be used. Acting staff whose permanent position is at a lower level than that designated shall not be assigned.

52080.3.7 Hearing Officer (HO)
HO duties shall not be designated below the level of lieutenant or an experienced sergeant, CC-I, or PA-I. Experienced is defined in DOM 52080.3.6.
52080.3.8 Changing Rule Violation Classification
Classification of rule violations may be changed as follows:

- The staff member who initially classified a RVR according to the seriousness of the charges, or a staff member at a higher level, may change the classification of the report before the hearing is held.
- If classification of the RVR is changed, the inmate shall be issued a copy of the modified RVR at least 24 hours prior to the hearing, unless the inmate, in writing, waives the 24 hour time period.
- The official conducting the disciplinary hearing may change a serious classification to an administrative classification as a finding of the hearing.
- The Warden or RPA may change a serious classification to an administrative classification before or after a hearing is held.

An administrative classification may not be changed to a serious classification after an administrative violation hearing except upon the order of the Warden, RPA, or the director for a rehearing of the charges as a serious violation.

The rehearing order shall be in writing and a copy shall be given to the inmate. The order shall include the reason(s) for the rehearing order. The inmate shall be afforded all due process rights prior to and during the hearing.

52080.4 Administrative Rule Violations
RVRs for misbehavior shall be classified administrative if the alleged conduct is of a minor nature as described in CCR 3314. Administrative rule violations include but are not limited to:

- Petty theft or unauthorized acquisition or exchange of personal or state property.
- Destruction or misuse of state property valued at $400 or less.
- Possession of otherwise approved property, materials, items, or substances in excess of authorized limits.
- Possession of property, materials, items, or substances not authorized by the approved property list which presents no threat to security.
- Misuse of food.
- Out-of-bounds which presents no threat to security.
- Misuse of telephone privileges which presents no threat to security.
- Violations of mail regulations or procedures which presents no threat to security, including, the sending of disturbing or offensive correspondence, as described in CCR 3135.
- Violations of visiting regulations or procedures which presents no threat to security.
- Failure to meet work or program expectations which are within the inmate’s abilities.
- Reporting late to or failure to attend a work or program assignment.
- Participating in gambling not likely to result in protective custody needs, serious injury or threat of serious injury.
- Use of vulgar or obscene language.
- Failure to follow a temporary community leave or community based correctional facility itinerary.
- Being under the influence of alcoholic beverages, drugs, or intoxicants in a community based correctional facility.

52080.4.1 Hearing Officer
An administrative rule violation shall be heard by a disciplinary hearing officer (HO) or senior hearing officer (SHO) with following dispositions:

- Find the inmate guilty if the facts support the charge.
- Dismiss the matter if the facts do not support the charge.
- Find the inmate guilty of the charge but, in the interest of justice or because of other extenuating circumstances, dismiss the formal disciplinary charge and report the inmate’s behavior on a Counseling Only RVR as described in DOM 52080.3.
- If treated as a counseling, the RVR shall be disposed of as indicated in DOM 52080.15.
- Determine the violation to be more serious than is appropriate for an administrative violation hearing.
- The HO shall terminate the administrative violation hearing and have the matter scheduled for a serious violation hearing. A new RVR shall be issued and due process rights granted.

52080.4.2 Witnesses, Assistance
The inmate does not have the right to have an investigative employee assigned nor to call witnesses at administrative hearings. As deemed necessary by the HO, the inmate may be given assistance by staff to understand the proceedings.

52080.4.3 Administrative Violation Dispositions
If the inmate is found guilty of an administrative violation, one or more of the following authorized dispositions may be made:

- Counseling, with or without a reprimand.
- Temporary suspension of designated privileges for a period not to exceed 30 days from the date the inmate is or was deprived of the privilege.
- Confinement to Quarters (CTQ), DOM 52080.23 provides the definition of CTQ, for a period not to exceed five days. Inmates shall be released to go to work and program assignments.
- One or more weekend and/or holiday lockups not to exceed a total of ten days. Weekend and holiday lockups may not be imposed in addition to CTQ.
- Assignment to extra duty, not to exceed 40 hours.
- Place a restriction on the inmate’s withdrawal from their trust account for violations of canteen regulations or procedures or for violations involving the deliberate destruction, damage, or misuse of state/private property when the inmate refuses to pay for the cost of repair or replacement of such property, as described in CCR 3090.
- Suspend all or part of any authorized disposition for a period not to exceed 90 days pending the inmate’s acceptance and compliance with all specific conditions established for suspension of sentence.
- Invoke all or part of a currently suspended disposition for a previous violation when the finding of fact on the current violation also constitutes a finding of violation of the conditions established for the previously suspended sentence.

Note: The inmate shall have appeal rights and the procedure for appeals fully explained. The explanation shall be documented on RVR.

52080.5 Serious Rule Violations
Inmate misbehavior shall be classified as a serious rule violation if the act or action of the inmate is an act of force or violence against another person, a breach of or presenting a threat to institution/community based correctional facilities (facilities) security, a serious disruption of these facilities operations, the introduction, possession or use of dangerous contraband, controlled substances, participation in gambling that is more likely than not to result in protective custody needs, serious injury or threat of serious injury, or is an attempt to commit any such act coupled with a present ability to carry out the threat or attempt if not prevented from doing so. Serious rule violations include but are not limited to:

- Any act for which the inmate could be prosecuted for a felony, whether or not prosecution is undertaken.
- Any act for which the inmate could be prosecuted for a misdemeanor whether or not prosecution is undertaken.
- Any act or misconduct which is reportable to any parole board or releasing authority.
- Intentional destruction of state/private property valued at more than $400, or intentional damage to state/private property requiring more than $400 to repair or replace.
- Hideout or preparation to escape.
- Possession of escape paraphernalia.
- Tattooing or possession of tattoo paraphernalia.
- Possession of money in an amount of five dollars or more without proper authorization.
- Acts of disobedience or disrespect which by reason of intensity or context create a potential for violence or mass disruptive behavior.
- Willfully inciting or attempting to incite other persons to commit an unlawful act of force or violence.
- Refusal or failure to perform work or participate in programs as ordered or assigned.
- Participation in a strike or work stoppage.
- A pattern of administrative rule violations indicating significant maladjustment, which are of increasing seriousness or are of special significance in light of existing release date.
Mail or visiting violations which create a threat to the safety of any individual or facility security, including the introduction of dangerous contraband or a controlled substance, or the obtaining or attempt to obtain a family visit by falsification of information.

The throwing of any liquid or solid substance on a non-prisoner.

Unauthorized possession of official departmental records or documents which could affect any inmate’s sentence.

Being under the influence of alcoholic beverages, controlled substances, or intoxicants in any facility.

Participation in gambling that more likely than not will result in protective custody needs, serious injury or threat of serious injury.

Refusal to submit to a test for controlled substances.

Late return or failure to return from authorized temporary release.

Unauthorized possession of materials or substance which has been diverted from its original manufactured state or purpose and has the potential to be made into a weapon (i.e., metal, paper, plastic, wood, wire, etc.)

Involvement in a conspiracy to do any or all of the above.

52080.5.1 Hearing Official

Serious rule violations shall be heard by an institution disciplinary committee, disciplinary subcommittee, or a senior disciplinary hearing officer.

52080.5.2 Investigative Employee

The inmate may be assigned an employee to assist in the investigation, preparation or presentation of a defense at the disciplinary hearing if it is determined by the CDO that any of the following conditions exist:

- The inmate is illiterate.
- The complexity of the issues makes it unlikely that the inmate can collect and present the evidence necessary for an adequate comprehension of the case.
- The inmate’s housing status makes it unlikely that the inmate can collect and present the evidence necessary for an adequate comprehension of the case.

52080.5.3 Witnesses

An inmate may request friendly and adverse witnesses to attend the hearing. Witnesses shall be called unless the person conducting the hearing denies the request for one of the following reasons:

- Endangerment of the witness.
- Determination that the witness has no relevant information.
- The witness is unavailable.

If an inmate’s request for a witness is denied, the reasons shall be documented on the RVR. Whether or not the inmate requests a witness for a hearing, a witness may be called if the person conducting the hearing determines the witness may have information necessary to the finding of fact. The reporting employee with relevant information shall attend the hearing if requested by the inmate. Under the direction of the person conducting the hearing, the inmate has the right to ask questions of all witnesses called.

- When an inmate whose disciplinary charges are being adjudicated is ordered to leave the hearing room, all witnesses, including staff witnesses, shall leave the room.

Nothing in this section shall preclude making a witness available for a hearing by telephone.

52080.5.4 Exclusion From Fact Finding Deliberations

Persons who reported the rule violation, or who supplied supplemental reports to the rule violation report, or who observed the alleged violation, or investigated the alleged misbehavior, or assisted the inmate in preparing for the hearing, or for any other reason have a predetermined belief that the inmate is guilty or innocent shall not sit as a fact finder in a disciplinary hearing nor be present while the fact finders are conducting deliberations to decide guilt or innocence and the appropriate disposition if the inmate is found guilty.

52080.5.4.1 Transferred Inmate Witness

An inmate witness shall not be transferred between facilities to testify at disciplinary hearings unless the CDO of the facility hearing the charges determines a fair and impartial hearing cannot be conducted without the presence of the inmate’s witness. When an inmate is not available because of transfer, the CDO of the institution where an inmate witness is located shall be notified of the need to appoint an investigative employee to discuss the case with the investigative employee of the institution conducting the hearing, to interview the witness, to prepare a written investigative report, and to forward the report to the institution where the hearing will be conducted.

52080.5.4.2 Transportation Personnel Witness

When a serious rule violation occurs during transportation of an inmate, transporting staff witnesses, if requested, shall be present at the hearing or shall be telephonically available for questioning during the hearing.

52080.5.5 Disposition Options

Upon completion of the fact-finding portion of the hearing, and based upon information presented in the disciplinary report and in the hearing, the following actions may be taken:

- The inmate may be found not guilty and the charges dismissed.
- The inmate may be found guilty of an administrative level violation rather than a serious level violation and the disciplinary report reclassified accordingly, with the inmate assessed an authorized administrative level disposition as provided in CCR 3314.
- The inmate may be found guilty as charged and assessed an appropriate serious level disposition.
- The inmate may be found guilty of a lesser but included offense, the offense group designation properly modified, and assessed the penalty disposition for that offense group.

52080.5.6 Dispositions of Serious Disciplinary Charges

An inmate charged with a serious rule violation may be subject to the following actions/dispositions:

- Immediate segregation from the inmate general population pending preliminary investigation of the charge, subject to the provisions of CCR 3317 and 3335.
- Classification review of segregated status pending a disciplinary hearing on the charge(s) when a disciplinary hearing is not held prior to the next scheduled meeting of the classification committee.
- Referral to the DA for possible criminal prosecution when the behavior is a criminal offense.
- A disciplinary hearing on the charge(s) and imposition of one or more of the following dispositions if found guilty as charged:
  - Mandatory forfeiture of credit on term of imprisonment for specific acts of behavior, as set forth in CCR 3323.
  - Any penalty authorized for an administrative rule violation as set forth in CCR 3314.
  - Designated privileges may be temporarily suspended for up to 90 days from the date the inmate is or was deprived of the privileges.
  - CTQ or confinement to DD for a period not to exceed ten days. An inmate may be released to go to work and program assignments if such release will not jeopardize institution security. A longer period of confinement requires prior approval of the director.
  - One or more weekend and/or holiday lockups not to exceed a total of ten days. This may not be imposed in addition to CTQ.
  - All or part of any disposition except the denial or forfeiture of credits on term of imprisonment may be suspended for a period not to exceed six months pending the inmate’s acceptance and compliance with all specified conditions established for suspension of sentence. A disposition denying or forfeiting credit on term of imprisonment shall not be suspended.
  - Any currently suspended disposition for a previous violation may be invoked when the finding of fact on the current violation also constitutes a violation of the conditions established for the previously suspended sentence. In invoking the previously suspended disposition, confinement to quarters or to isolation status shall not be for longer than ten days except as provided in CCR 3322.
  - Referral to a classification committee for review of credit forfeiture and possible program realignment.

52080.5.7 Classification Committee

Any behavior identified as serious in CCR 3315 or refusal or failure to participate in assigned program resulting in loss of credits, or which for any other reason requires reconsideration of previously prescribed custody, privilege group, work, program or housing assignments, shall be referred to a classification committee for review.

The classification committee shall do one or more of the following:
Reaffirm previously prescribed custody classification, privilege group, work, program, and housing assignment.

Realign previously prescribed custody classification, privilege group, work, program, and housing status which may include placement in zero credit earning status.

Recommend transfer to another facility of the Department.

Recommend placement in a specialized housing unit for management or security purposes.

Affirm, disallow, or modify the credit loss action of a disciplinary hearing. The classification committee’s review of a credit loss shall occur at the committee’s next scheduled meeting following completion of the disciplinary process.

The review of any disciplinary credit loss action shall constitute the first level of appeal review should the inmate subsequently appeal the RVR. The classification committee review shall ensure the RVR is accurate, complete, contains required documentation, and the inmate received due process rights. The committee shall review any confidential material used during the disciplinary hearing to ensure proper application thereof.

When any of these circumstances are met, the inmate’s conduct shall be documented on a CDC Form 128-B, General Chrono, for inclusion in the inmate’s Central File. Any use of force used during these situations shall be documented appropriately on a CDCR Form 837, Crime/Incident Report, in accordance with CCR, Title 15, Section 3268.1.

If the inmate commits a Serious Rules Violation pursuant to CCR, Title 15, Section 3315 while participating in the behavior noted above, which constitutes a Division A-1 offense as defined in CCR, Title 15, Section 3323(b), an assault or battery as defined in CCR, Title 15, Sections 3323(d)(1), 3323(d)(2), or 3323(d)(3), or an assault on a peace officer or non-prisoner as defined in CCR, Title 15, Sections 3323(f)(11) and 3323(f)(12), a RVR shall be completed and processed in accordance with current regulations and policy.

Affirm, disallow, or modify the credit loss action of a disciplinary hearing. The classification committee’s review of a credit loss shall constitute the first level of appeal review should the inmate subsequently appeal the RVR. The classification committee review shall ensure the RVR is accurate, complete, contains required documentation, and the inmate received due process rights. The committee shall review any confidential material used during the disciplinary hearing to ensure proper application thereof.

Mental Health Assessment

Mental Health Assessment has been completed; the official shall consider the information indicating mental illness, developmental disability, cognitive or adaptive functioning deficits, or any combination thereof, contributed to the inmate’s behavior. If a CDCR Form 115-MH-A, Mental Health Assessment Report: Mental Health Assessment has been completed; the official shall consider mental health staff’s assessment when making these determinations. The adjudication of inmate misconduct or disciplinary proceeding shall be appropriately documented as determined by the hearing official and in accordance with this article.

Mental Health Services shall be contacted immediately for any inmate who is suspected of committing self-mutilation or attempted suicide. The emergency referral shall be documented via CDC Form 128-MHS; Mental Health Referral Chrono. The mental health clinician determines the behavior was an act of self-mutilation, attempted suicide or a clear determination could not be made a Rules Violation Report (RVR) shall not be generated and the behavior shall be documented on a CDC 128B, General Chrono, for inclusion in the inmate’s Central File.

If the mental health clinician determines the inmate’s actions were an attempt to manipulate staff, and were not an act of self-mutilation or attempted suicide, a thorough review must be completed to support their decision. In these instances, a RVR shall be issued pursuant to CCR, Title 15, Section 3315 (a)(3)(W)

A CDCR Form 128-MH5; Mental Health Referral Chrono, shall be completed for any inmate who displays bizarre, unusual or uncharacteristic behavior at the time of the offense.

Inmates shall not be issued a RVR for any of the following reasons:

- The behavior occurred in connection with a cell extraction for the administration of involuntary medication, as defined in Penal Code section 2602, or involuntary medical treatment, as defined in Probate Code section 3200, et seq.

- The behavior occurred in connection with a cell extraction for transfer of the inmate to a mental health inpatient unit or between mental health inpatient units.

- The behavior occurred in connection with being placed in mental health restraints and/or seclusion.

- The behavior is determined to be an act of self-mutilation or attempted suicide.

52080.5.8 Special Consideration of Rules Violations Related to Mental Illness or Participation in the Developmental Disability Program

Inmates who are alleged to have committed a Rules Violation shall receive a Mental Health Assessment, via completion of the CDCR Form 115-MH-A, Inmates who are alleged to have committed a Rules Violation shall receive a Mental Health Assessment for any of the following:

- Inmates shall not be issued a RVR for any of the following reasons:
  - Behavior at the time of the offense.
  - Inmate displayed bizarre, unusual or uncharacteristic behavior.
  - Inmate is a participant in the MHSDS at the EOP level of care.
  - Inmate displayed bizarre, unusual or uncharacteristic behavior at the time of the offense
  - Inmate is a participant in the Developmental Disability Program (DDP) designated as DD1, DD2 or DD3.

Mental Health Services shall be contacted immediately for any inmate who is suspected of committing self-mutilation or attempted suicide. The emergency referral shall be documented via CDC Form 128-MHS; Mental Health Referral Chrono. The mental health clinician determines the behavior was an act of self-mutilation, attempted suicide or a clear determination could not be made a Rules Violation Report (RVR) shall not be generated and the behavior shall be documented on a CDC 128B, General Chrono, for inclusion in the inmate’s Central File.

If the mental health clinician determines the inmate’s actions were an attempt to manipulate staff, and were not an act of self-mutilation or attempted suicide, a thorough review must be completed to support their decision. In these instances, a RVR shall be issued pursuant to CCR, Title 15, Section 3315 (a)(3)(W)

A CDCR Form 128-MH5; Mental Health Referral Chrono, shall be completed for any inmate who displays bizarre, unusual or uncharacteristic behavior at the time of the offense.

Inmates shall not be issued a RVR for any of the following reasons:

- The behavior occurred in connection with a cell extraction for the administration of involuntary medication, as defined in Penal Code section 2602, or involuntary medical treatment, as defined in Probate Code section 3200, et seq.

- The behavior occurred in connection with a cell extraction for transfer of the inmate to a mental health inpatient unit or between mental health inpatient units.

- The behavior occurred in connection with being placed in mental health restraints and/or seclusion.

- The behavior is determined to be an act of self-mutilation or attempted suicide.

52080.6 Referral for Criminal Prosecution

All conduct that constitutes a crime, which occurs on facility property, shall be referred by the Warden or RPA to appropriate criminal authorities for possible investigation and prosecution where there is evidence substantiating each of the elements of the crime to be charged.

Notwithstanding the existence of evidence substantiating each of the elements of the crime to be charged, conduct which constitutes a crime shall not be referred to the local DA for investigation and prosecution where the local DA has submitted in writing to the Warden or RPA, criteria for which certain crimes shall not be prosecuted, and where the crime involved meets those criteria.

The criminal authority to which a case is referred shall be requested to inform the Warden or RPA in writing within ten working days whether prosecution will or will not be undertaken. The inmate shall be notified in
writing when their conduct has been referred to criminal authorities for possible prosecution.

The referral of an inmate's alleged criminal conduct to criminal authorities for possible criminal prosecution shall not stay the time limits for a disciplinary proceeding unless the inmate submits a written request to the chief disciplinary officer for postponement of the disciplinary proceeding pending the outcome of the referral or has signed the RVR requesting postponement of the disciplinary hearing.

52080.6.1 Inmate's Request for Disciplinary Postponement

When disciplinary proceedings have been postponed at the inmate’s request pending the outcome of a referral to criminal authorities for possible criminal prosecution, the inmate shall not be entitled to any further departmental hearings on the question of guilt or innocence on the disciplinary charges before a disciplinary proceeding is held. Postponement of the disciplinary proceeding at the inmate’s request or by staff shall not preclude release from segregated housing before the disciplinary proceeding is held.

52080.6.2 Revocation of Postponement Request

An inmate may revoke a request for postponement of the disciplinary proceeding at any time up until an accusatory pleading has been filed against the inmate by the criminal authority to whom the inmate's conduct has been referred for possible prosecution. The revocation of a request to postpone disciplinary proceedings shall be submitted in writing to the chief disciplinary officer.

When disciplinary proceedings have been postponed at the inmate's request, the disciplinary proceedings shall not be resumed until:

- The inmate has revoked the request to postpone disciplinary proceedings. The disciplinary proceeding shall be held within 30 days of receipt of the inmate's written revocation of a request to postpone the hearing.
- Notice is received that the criminal authorities do not intend to prosecute. The disciplinary hearing shall be held within 30 days of the receipt of such notice.
- Criminal proceedings have terminated. The disciplinary hearing shall be held within 30 days of receipt of the court's action.

52080.6.3 Criminal Authorities' Decision

A referral to criminal authorities or criminal authorities’ decision not to prosecute, or a trial court’s dismissal of criminal charges without having found the inmate not guilty of criminal conduct shall have no bearing on the findings and disposition of disciplinary charges.

- A finding of guilty or not guilty by a court shall be accepted as the finding of fact on the same charges in a disciplinary hearing. If a court finds the inmate not guilty after a finding of guilty in a disciplinary hearing the disciplinary charges shall be dismissed.
- A court’s action shall not bar or reverse a disciplinary action in the finding of fact and disposition of any lesser act of misbehavior relating to the criminal charge. A court’s action on a finding of guilty to criminal charges shall not bar or reverse any authorized disciplinary action for the same charges.

52080.7 Housing Pending Disciplinary Proceedings

Depending upon the nature and the circumstances of an inmate’s violation of rules, and whether the violation is or is not a serious violation, the inmate may be retained in regularly assigned housing, work and program assignments, be placed in segregated housing pending disciplinary proceedings, or be placed in CTQ.

If the inmate is placed in segregated housing pending disciplinary proceedings, the official making the housing determination shall see that the cause for the action is properly reported, as follows:

- The inmate’s misconduct has been or will be reported as a serious rule violation on a RVR. The report shall serve as notice to all concerned, including the inmate, of the cause for action and pending disciplinary proceedings. The inmate shall be afforded the procedural safeguards of disciplinary proceedings, and a separate CDC Form 114-D, Administrative Segregation Unit Placement Notice, need not be prepared.
- The inmate is believed to have committed a serious rule violation, but sufficient information is not yet available to support a specific charge and the investigation is continuing. The cause for action shall be reported on a CDC Form 114-D. The order will serve as notice to all concerned, including the inmate, of the cause for action.

52080.8 Assistance to Inmates Investigative Employees

On serious rule violations, an investigative employee may be assigned within one working day after the charges have been submitted for processing. If a determination has been made that additional information is necessary for a fair hearing, an investigative employee shall be assigned even if the inmate has received the assignment.

The investigative employee shall interview the charged inmate, gather information, question staff and inmates, screen prospective witnesses, and complete and submit a written report to the senior disciplinary hearing officer or chairperson of the disciplinary committee assigned to hear the charges.

The inmate may not select the investigative employee, but may object to the one assigned, in which case, a different investigative employee shall be assigned. The inmate’s objection shall be expressed prior to the beginning of the investigation. An inmate's objection to and subsequent replacement of the second assigned investigative employee shall only be for compelling reasons.

A copy of any investigative employee’s report shall be given to the inmate no less than 24 hours before a hearing is held.

An employee who witnessed the charged rule violation or who would otherwise serve as a disciplinary hearing officer or a member of a disciplinary committee hearing the case shall not serve as the investigative employee on the same case. The assignment of an investigative employee shall not preclude the assignment of a staff assistant.

When an investigative employee provides assistance to an inmate, in lieu of an assigned staff assistant or in addition to that provided by a staff assistant, the investigative employee shall do so as a representative of the official who will conduct the disciplinary hearing rather than as a representative of the inmate. An investigative employee is not subject to the provisions for confidentiality of information. Any investigative report shall be non-confidential.

52080.8.1 Staff Assistant

On serious rule violations, when the chief disciplinary officer determines that the nature of the inmate’s need for assistance will require a confidential relationship, a staff assistant may be assigned to assist the inmate in the preparation and presentation of the inmate’s defense.

- An inmate may refuse to accept the assistance of the first staff member assigned at the time of assignment or for good cause as determined by the chief disciplinary officer or designate at any time during the disciplinary process. If staff assistance is refused at the time of initial assignment, a second staff member shall be assigned if requested by the inmate. An inmate’s refusal to accept the second staff member’s assistance shall not require the assignment of another staff member unless the chief disciplinary officer or designate determines that a fair hearing cannot be held without staff assistance. An inmate’s rejection of an assigned staff assistant shall not cause delay of the disciplinary process so as to bar possible credit forfeiture.
- Upon assignment, the staff assistant shall inform the inmate of their rights and the procedures to be followed in disciplinary proceedings. The assigned staff assistant shall inform the inmate that the staff assistant will, upon the inmate's request, maintain confidentiality of information the inmate may disclose to the staff assistant concerning the inmate’s involvement in circumstances surrounding the rule violation report to which the staff assistant was assigned, but not regarding any past or future behaviors which the inmate may disclose.

The staff assistant shall then advise and assist the inmate in preparing for a disciplinary hearing, represent the inmate’s position at the hearing, ensure that the inmate’s position is understood, and that the inmate understands the decisions reached. Staff shall not give legal counsel or notify the position the inmate will take in any disciplinary, classification, or criminal proceedings.

- The staff assistant shall inform the inmate that all evidence and information obtained and considered or developed in the disciplinary process may be used in court if the same charges have been or are to be referred to the DA for possible criminal prosecution.
- The assignment of a staff assistant shall not preclude the assignment of an investigative employee.

52080.9 Hearing Procedures and Time Limitations

The RVR and all non-confidential reports to be relied upon in a disciplinary hearing shall normally be given to the inmate within 24 hours after classification of the disciplinary report as a serious or administrative violation, and within 30 days of the misbehavior but not later than 15 days
The department may delay written notice beyond 15 days when all of the following factors are true:

- An act of conduct is involved which could be prosecuted as murder, attempted murder, or assault on a prison employee, or any person, whether or not prosecution is undertaken.
- Further investigation is being undertaken for the purpose of identifying other inmates involved in the misconduct.
- Within 15 days after the discovery of information leading to charges that may result in a possible denial of credit, the investigating officer makes a written request to delay notifying the inmate and states the reasons for the delay.
- The Warden or RPA approves the delay in writing.
- The period of delay under this paragraph shall not exceed 30 days. The inmate’s hearing shall take place within 30 days of the written notice.

A hearing on the charges shall be held within 30 days from the date the inmate is given a copy of the rule violation report unless a case has been referred to criminal authorities for possible prosecution and the inmate has requested and been granted a postponement of disciplinary proceedings pending the outcome of such referral.

52080.9.1 Bar Against Credit Forfeiture
The following events shall act as a bar against forfeiture of behavior or participation credits:

- Failure to give the inmate a copy of the rule violation report within 15 days after the discovery of information leading to the disciplinary charges, unless conditions outlined in DOM 52080.9 are met.
- Failure to establish the fact that information or evidence for the rule violation report was not reasonably discoverable within 30 days or any sooner than it was discovered when the inmate is not given a copy of the rule violation report within 15 days after the alleged misbehavior took place.
- Failure to hold a hearing on the disciplinary charges within 30 days of the date the inmate was given a copy of the rule violation report. An exception to this time limit is provided when the case has been referred to criminal authorities and the inmate has requested and been granted a postponement of the disciplinary hearing pending the outcome of the referral.
- Failure to hold a hearing within 30 days after the date notice is received of the outcome of a referral to criminal authorities, or within 30 days from the date the inmate revokes their request for the postponement of a hearing on the disciplinary charges if criminal authorities have not filed a complaint against the inmate.
- Failure to provide the inmate with a written explanation of the extraordinary circumstances which have prevented a disciplinary hearing from being conducted within 30 days of the date the inmate is given a copy of the disciplinary charges, and of a determination that the delay does not prejudice the inmate.

The bar of credit forfeiture does not affect other authorized dispositions. A hearing may be postponed up to 30 days upon a written request of the inmate showing a reasonable need for postponement of the hearing.

The postponement shall not act as a bar against denial or forfeiture of behavior or participation credit.

52080.9.2 Inmate Waiver to be Present At Hearing
An inmate may, upon written notice, waive the right to be present at any disciplinary hearing of charges against the inmate. In the absence of a waiver, the inmate shall be present at a disciplinary hearing unless:

- A psychiatrist has determined that the inmate suffers from a severe psychiatric disorder which will prevent the inmate from understanding or participating in the hearing, and there is a compelling reason or need to proceed with the hearing.
- The inmate is an escapee who has been found guilty of escape in a court of law, and the inmate has not been returned to the institution or jurisdiction from which the escape occurred.

When a hearing is held without the inmate being present, the reason for the inmate’s absence shall be documented on the rule violation report at the time of the hearing.

52080.9.3 Hearing Disposition
A finding of guilty shall be based upon a determination by the person(s) conducting the hearing that a preponderance of evidence submitted at the hearing substantiates the charge. At the end of the hearing, the inmate shall be advised of the findings, the disposition of the charge and the right to and procedure for appeal of the action. Within five working days, the inmate shall be given a copy of the completed rule violation report, containing the findings, disposition, and evidence relied upon to support the conclusions. The rule violation report is not complete until the CDO audit is accomplished.

When an inmate is charged with possession of unauthorized or dangerous items or substances, or when unauthorized or dangerous items or substances are associated with the commission of the charged violation, the hearing officer shall record the disposition of the item or substance in the disposition portion of the RVR.

52080.10 Hearings for Transferred Inmates
An inmate awaiting a disciplinary hearing shall not be transferred to another institution or facility until completion of such hearing, with the following exceptions:

- An emergency transfer to a higher security level based on charges of involvement in a major disturbance or serious incident.
- The inmate is charged with escape from a Level I or II institution/facility/camp and will not be returned to that facility/camp from which they escaped.

When an inmate is transferred prior to a disciplinary hearing, or a rehearing is ordered on the charges subsequent to the inmate’s transfer, one of the following methods shall be used to facilitate the hearing process:

- The Warden or RPA of the facility where the violation occurred may request the inmate be returned to the original facility, request the hearing be conducted by staff where the inmate is currently housed, or hearing officer(s) from the facility where the violation occurred may conduct the hearing at the facility where the inmate is currently housed.
- The facility where the rule violation occurred may appoint an investigative employee to conduct an investigation and prepare a report.
- If a staff assistant has been appointed, the staff assistant shall be present at the hearing.

52080.11 Confidential Material
Refer to DOM 61020.8.

52080.12 Disciplinary Credit Loss Schedule
Refer to CCR 3323.

52080.13 Conduct Reportable to the Releasing Authority
Rules of the BPH and those of the NAEA require that specific acts of inmate conduct be reported to the appropriate releasing authority when the inmate has an established or anticipated release date on an indeterminate term or period of confinement.

At the discretion of the appropriate releasing authority, a hearing for reconsideration of release may be held in conjunction with a disciplinary hearing for conduct that is also reportable to the releasing authority.

Releasing authority staff may sit in the fact finding and disposition phase of a disciplinary hearing held in conjunction with a hearing by the releasing authority for release reconsideration, however, they shall not act as fact finders or decision makers in the Department’s disposition of disciplinary charges against an inmate. The releasing authority staff may participate in the fact finding phase of the disciplinary hearing as deemed necessary to bring out information that will aid them in determining an appropriate action relative to the inmate’s scheduled or anticipated release.

The scheduling of a combined departmental disciplinary hearing and a releasing authority hearing does not stay the time limits for a disciplinary hearing in which work credit may be denied on a determinate term of imprisonment.

52080.14 Appeal of Disciplinary Actions
An inmate may appeal any disciplinary decision or disposition, including the denial of credits, or the process itself by filling out CDRC Form 602, Inmate/Parolee Appeal, and following the procedures outlined in DOM 54100.

52080.15 Records of Disciplinary Matters
Upon conclusion of disciplinary proceedings, all documents relating to the disciplinary process, findings and disposition shall be disposed of in the following manner:
• When an inmate is held responsible for the act charged, copies of all documents prepared for and used in the disciplinary proceedings shall be placed in the inmate’s C-File. A copy of the completed RVR shall be given to the inmate. A copy of the completed RVR shall also be filed in the Register of Institution Violations as required in PC 2081.
• Refer to DOM 61020.9.1 regarding use of confidential information to support adverse disposition.
• When the inmate is found not guilty of the act charged, or when the charge is dismissed for any reasons, a copy of the action taken shall be provided to the inmate. All electronic copies of documents prepared for and used in the disciplinary process shall be removed from general view and stored in SOMS, serving as the Register of Institutional Violations.
• When non-confidential information developed through the disciplinary process needs to be considered in future classification committee determinations affecting the inmate, or where events involved in the disciplinary process need to be explained, that information shall be recorded by the disciplinary hearing officer on a CDC Form 128-B, General Chrono', as a referral to the classification committee. Such information shall include, but is not limited to:
  • The reason for an inmate’s placement in segregated housing prior to adjudication of the charges if that information has not been previously considered in a classification committee hearing.
  • Where any reason exists for retaining the inmate in segregated housing after a finding of not guilty or dismissal of charges.
  • When any program assignment or placement change needs to be considered in view of other inmate or employee animosity toward the individual. The CDC Form 128-B, as a referral to the classification committee, shall be placed in the inmate’s C-File, and a copy shall be given to the inmate.
• The policy set forth in this section shall also apply when a prior finding of guilty to a violation reported on a RVR is reversed or dismissed on appeal, or when information reported on a Counseling Only RVR is found to be incorrect or inappropriate on appeal.
• A finding of not guilty, dismissal, or reversal of a previous finding of guilty shall require an audit and updating of any documentation in the inmate’s file which reflects a prehearing assumption of guilt or the original finding of guilt. Such documentation shall not be removed from the inmate’s file, but shall be annotated with a cross-reference to a CDC Form 128-B report which shall reflect the most recent findings and action on the charge.
• Care shall be exercised in the wording and phrasing of comments on the CDC Form 128-B reports to avoid innuendos and implications that would lead a reader to believe that the inmate is in fact guilty of the charge without regard for the determination arrived at in the disciplinary hearing, in a court's finding, or in the reason for an ordered action on appeal.
• The inmate may retain or discard copies of the completed disciplinary report form and other supplemental documentation they may have been given during the course of the disciplinary process and proceedings.

52080.15.1 Register of Institution Violations
A Register of Institution Violations is a compilation of one completed copy of each rule violation report issued at a facility, maintained in chronological order. This registry shall be maintained for five calendar years.

52080.16 Restoration of Credits
Refer to CCR 3327.

52080.17 Disciplinary Free Periods
Refer to CCR 3328.

52080.18 Extraordinary Circumstances
Refer to CCR 3329.

52080.19 Length of Confinement
No inmate shall be kept in isolation or in CTQ status longer than ten days without the approval of the director. The CDO may shorten the ordered time spent in this status if the inmate is ready to conform to specified rules. Time spent in segregation pending a disciplinary hearing, or pending investigation that resulted in a disciplinary hearing, shall be credited toward any segregated sentence imposed, unless there is good cause not to do so. Reasons for not granting credit shall be explained in the disposition section of the RVR. Not allowing credit for time spent in segregation shall not extend the isolation or CTQ sentence beyond 10 days.

No inmate shall be placed in CTQ or otherwise deprived of exercise as a disciplinary measure longer than ten days, unless, in the opinion of the Warden or RPA the inmate poses such an extreme management problem or threat to the safety of other inmates and staff that longer confinement is warranted. The written approval of the director is required in such cases.

52080.20 DD
DD is a temporary housing status which confines inmates so assigned to designated rooms or cells for prescribed periods of time as punishment for serious acts of misbehavior. An inmate shall not be assigned to DD except on the order of a disciplinary committee or a senior disciplinary hearing officer.
• DD may be served in a housing unit or section of a housing unit specifically designed for that purpose or in any room or cell which provides the necessary security, control, and restriction of the inmate’s actions. When DD is ordered in a housing unit other than a designated DD unit, the conditions of detention shall be the same as prescribed for DD inmates.
• DD may be ordered as a continuous period of confinement or as intermittent confinement on holidays, weekends or days off from assigned work and program activities. When ordered as intermittent confinement, confinement shall not exceed ten days during a 35-day period. The chief disciplinary officer shall review the treatment of an inmate confined in DD and consider a modification of sentence when evidence indicates the inmate is ready to conform to the rules.

Time served in DD shall be computed on the basis of full days in detention. The day of placement and the day of release shall not count as a day of time served. Intermittent detention may extend from the end of the work day before the first full day of detention to the beginning of the work day following the last full day of detention.
• Continuous DD of an inmate shall not exceed ten full days without approval of the Director, Division of Adult Institutions.
• If an extension beyond ten days is approved, the Warden shall note that fact in the disposition section of the rule violation report stating the reasons for the extension and the additional amount of time the inmate shall be confined, and shall sign and date the notation.

A request for the director’s approval to retain an inmate in DD for longer than 30 days shall be accompanied by a current psychological evaluation of the inmate’s mental health. Such evaluation shall include a personal interview with the inmate by the mental health examiner.

52080.21 Conditions of Detention Unit
Insofar as the safety and security of the institution and for persons will permit, the physical facilities of designated DD units shall approximate those housing general population inmates.

52080.21.1 Detention Housing
Where adequate and secure facilities are available and the number of inmates assigned to designated DD units permit, inmates so assigned will be housed in single occupancy quarters. When the use of multiple occupancy housing is necessary, the number of inmates so assigned will not exceed the capacity of beds for which such quarters are equipped except as a temporary emergency measure. The Office of the Director, Division of Adult Institutions, or the departmental duty officer shall be notified when such an emergency exists for longer than 24 hours. Institution and departmental efforts shall be coordinated as necessary to resolve any overcrowding situation as quickly as possible.

52080.21.2 Personal Items
Inmates shall not be permitted to use or possess items of personally owned property, such as radios, television sets, tape players, musical instruments, and typewriters while undergoing DD. Personal items necessary for health and hygiene may be used if such items are not available for issue by the institution.

Inmates shall not be permitted to purchase, use, or possess edible or consumable canteen items while undergoing DD.

Inmates may be deprived of personally owned clothing and footwear while undergoing DD when adequate state clothing and footwear are issued. No inmate in DD shall be required to wear clothing that significantly differs from that worn by other inmates in the unit, except that temporary adjustments may be made for security reasons and for protection from self-inflicted harm. No inmate shall be clothed in any manner intended to degrade the inmate.
52080.21.3 Meals
Inmates in DD shall be fed the same meal and ration as is provided for general population inmates.

52080.21.4 Mail
The sending and receiving of first class mail shall not be restricted while an inmate is undergoing DD. Delivery or issue of packages, publications and newspapers shall be withheld during DD.

52080.21.5 Visits
Inmates undergoing DD retain the right to have personal visits. Privileges and amenities associated with visiting including physical contact with visitors may be suspended during the DD period. When the number, length or frequency of visits are limited, the inmate shall be permitted to choose who shall visit from among persons approved to visit before the detention period began.

52080.21.6 Personal Cleanliness
Inmates undergoing DD shall be provided the means to keep themselves clean and well groomed. Haircuts shall be provided as needed. Showering and shaving shall be permitted at least three times a week.

52080.21.7 Exercise
Inmates undergoing DD shall be permitted a minimum of one hour per day, five days per week, of exercise outside their cells unless security and safety considerations preclude such activity.

52080.21.8 Reading Material
State/vendor supplied reading material shall be provided for inmates undergoing DD. Such material may be assigned to DD units from the inmate library and shall represent a cross section of material available to the inmate general population. At the discretion of the Warden/facility manager, inmates enrolled in educational programs who have textbooks in their personal property may be permitted to study such material while undergoing DD.

52080.21.9 Legal Material
Inmates undergoing DD shall not be limited in their access to the courts. Legal resources may be limited to pencil and paper, which shall be provided upon request, for correspondence with an attorney or preparation of legal documents for the courts. Other legal material in an inmate’s personal property may be issued to the inmate in DD if litigation was in progress before detention commenced and legal due dates are imminent.

52080.21.10 Privileges
All privileges generally associated with the inmate’s work/training incentive group status shall be suspended during a period of DD. This includes but is not limited to:

- Personal non-emergency telephone calls.
- Handicraft activities.
- Use of recreational equipment.
- The viewing of television.

52080.21.11 Restrictions
A written report by the administrator or supervisor in charge of a DD unit shall be submitted to the chief disciplinary officer when an inmate undergoing DD is deprived of any usually authorized item, activity or privilege. A special report to the chief disciplinary officer and to a classification committee shall be made when an inmate's circumstances indicate a continuing need for separation from general population or from specific persons.

52080.22 Administration and Supervision of Detention Units
Each Warden and RPA shall establish a supplement to this manual section for the DD of inmates which delineates the housing for detention units as either a unit or section of a unit designated for this specific purpose or in conjunction with other special purpose housing of inmates.

The administration of DD units may be delegated to a staff member at not less than the level of captain. The supervision of DD units may be assigned to a staff member at not less than the level of sergeant.

52080.22.1 Staff Visitation
Inmates assigned to DD units shall be visited daily by the supervisor in charge of the unit and by an institution mental health provider, physician, Licensed Vocational Nurse, or Psychiatric Technician. An inmate’s request to be visited by other staff shall be promptly referred to the staff member. A timely response shall be given to such requests whenever reasonably possible.

52080.22.2 Supervisor’s Responsibilities
The supervisor in charge of a DD unit shall ensure:

- The physical security of the unit.
- The control of contraband within the unit.
- Safe, sanitary, and decent working and living conditions within the unit.

When any condition within the unit or the behavior, conduct or appearance of any inmate confined therein appears to warrant the attention of specific or specialized staff, the matter shall be promptly brought to the attention of appropriate staff.

52080.22.3 Suicide Risks
Inmates undergoing DD who are diagnosed by qualified medical staff as a suicide risk shall be moved to a hospital or infirmary setting, and medical staff shall assume placement, observation, and supervision of the inmate. Such movement and supervision shall be in cooperation and coordination with custody staff.

52080.22.4 Detention Records
A CDC Form 114, Isolation Log shall be maintained in each designated DD unit. Specific information required in this log shall be kept current on a daily and shift or watch basis. A completed logbook shall be retained in the unit for as long as any inmate recorded on the last page of that log remains in the unit. Storage and purging of logbooks shall be in accordance with department schedules. (Refer to DOM 72010.) One isolation log may serve a DD unit and other special purpose segregation units that are combined and are administered and supervised by the same staff members.

A separate record shall be maintained on each inmate undergoing DD. This record shall be compiled on CDC Form 114-A, Inmate Segregation Record. In addition to the identifying information required on the form, all significant information relating to the inmate during the course of detention, from reception to release, shall be entered on the form in chronological order.

52080.23 Confinement to Quarters
The term “confinement to quarters” (CTQ) refers to an authorized disciplinary hearing action only whereby an inmate is restricted to their assigned quarters for a period not to exceed five days for administrative rule violations or ten days for serious rule violations.

52080.24 AD-SEG
When an inmate’s presence in an institution’s inmate general population presents an immediate threat to the safety of the inmate or others, endangers institution security or jeopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity, the inmate shall be immediately removed from general population and be placed in AD-SEG. AD-SEG may be accomplished by confinement in a designated segregation unit or, in an emergency, to any single cell unit capable of providing secure segregation.

Temporary AD-SEG:
Pending a classification committee determination of the inmate’s housing assignment, which may include assignment to one of the segregation program units or to the inmate general population, an inmate may be placed in a designated temporary housing unit.

An inmate’s placement in temporary segregation shall be reviewed by the Institutional Classification Committee (ICC) within ten days of receipt in the unit. Action shall be taken to retain the inmate in temporary segregation or release to general population. ICC shall review the inmate at least every 30 days thereafter until the inmate is removed from temporary segregation.

ICC shall refer for CSR review and approval any case in which an inmate is retained in temporary AD-SEG for more than 30 days beyond initial ICC action. ICC shall designate an anticipated length of time needed to complete the investigation or conclude court proceedings. ICC shall recommend one of the following:

- Transfer to another facility.
- Continue in temporary AD-SEG pending completion of an investigation or resolution of court proceedings.

52080.25 Order and Hearing for Placement in Segregated Housing (CDC Form 114-D)
Authority to order an inmate to be placed in AD-SEG, before such action is considered and ordered by a classification hearing, may not be delegated below the staff level of lieutenant except when a lower level staff member is the highest ranking official on duty.

The reason for ordering an inmate’s placement in AD-SEG shall be clearly documented on a CDC Form 114-D by the official ordering the action at the time the action is taken.
In addition to explaining the reason and need for an inmate’s placement in AD-SEG, the official ordering the action shall determine and document on the CDC Form 114-D:

- If the inmate needs the assistance of an interpreter or a person capable of explaining the process so the inmate understands.
- If the inmate desires to call witnesses. If so, the inmate shall submit in writing the names of the desired witnesses.
- If the inmate wishes to present documentary evidence at a classification hearing on the reason or need for retention in segregated housing. If the inmate does wish to present documentary evidence, an investigating employee shall be assigned.

A copy of the CDC Form 114-D, with the “order” portion of the form completed, shall if practical, be given to the inmate prior to placement in AD-SEG but not later than 48 hours after such placement. Copies of the CDC Form 114-D with the order portion completed shall also be submitted to the Warden, RPA, or designated staff for review and possible further action. A copy of the CDC Form 114-D shall be routed to the inmate’s C-File as a notice of the inmate’s current status and pending action(s).

A CDC Form 128-B shall accompany the original CDC Form 114-D which shall depict important inmate case factors such as: enemies that may be housed in the same AD-SEG unit; the inmate’s gang affiliation status, if any; medical/psychiatric problems; pending visitation restrictions; or the location of pertinent confidential information.

52080.26 Review of Segregation Order
Within two working days following an inmate’s placement in AD-SEG, designated staff at not less than the level of captain shall review the order portion of the CDC Form 114-D. If retention in AD-SEG is approved at this review, the following shall be accomplished at this level:

- Schedule the inmate for ICC within ten days of placement in AD-SEG.

52080.27 Classification Committee Hearing on Segregated Housing Order
A classification committee hearing for consideration and determination of the need to retain an inmate in segregated housing, for the reasons set forth in a segregation order, CDC Form 114-D, shall be held as soon as it is practical and possible to do so, but in no case longer than ten days from the date the inmate was initially placed in segregated housing, except for the following reasons:

- The CDC Form 114-D has been withdrawn and the inmate has been returned to general population status.
- A continuing state of emergency exists within the institution. Under such circumstances the hearing shall be held as soon as it is safe and practical to do so.

The inmate shall be present at the classification hearing on an AD-SEG order except under the applicable conditions as described in CCR 3320(f) relating to disciplinary hearings. If the classification committee hearing is held without the inmate present, the reason shall be documented on the segregation order form. Any staff member assigned to assist the inmate shall be present at the hearing.

52080.27.1 Retention for Disciplinary
When the reason for an inmate’s placement in AD-SEG is a disciplinary matter and likely to result in a formal report of violation of institution rules on a RVR or a referral to the appropriate criminal authorities for possible criminal prosecution, the classification hearing shall assume the alleged misconduct or criminal activities to be factual as reported in the segregation order. The hearing shall not consider evidence or information relating to the guilt or innocence of the inmate. ICC may continue the inmate in AD-SEG pending resolution of the disciplinary issues or consider placement in a specialized security unit based upon other non-disciplinary reasons necessitating such placement.

52080.27.2 Retention for Non-Disciplinary
When the reason for an inmate’s placement in AD-SEG is for non-disciplinary reasons, the classification committee hearing shall consider all available evidence or information relating to the validity of the reasons given for such placement as well as the need to retain the inmate in AD-SEG pending resolution of the situation or circumstances set forth in the AD-SEG order.

52080.27.3 Witnesses for Hearing
Based upon the finding of the investigative employee, the ICC shall permit the inmate to present witnesses and documentary evidence at the hearing unless the chairperson of the committee determines in good faith that permitting such evidence shall be unduly hazardous to institution safety. The reason for disallowing witnesses or evidence shall be documented in the “hearing” portion of the CDC Form 114-D and in the CDC Form 128-G, Classification Chrono.

52080.27.4 Determinations
The determinations of the classification hearing shall be documented in the hearing portion of the CDC Form 114-D, and in the CDC Form 128-G. Such documentation shall include an explanation of the reason and the information and evidence relied upon for the action taken. The completed CDC Form 114-D and any CDC Form 128-G resulting from hearings shall be routed to the inmate’s C-File. The inmate shall be given a copy of all completed forms and of all other documents relied upon in the hearing except those containing restricted/confidential information.

52080.28 Release From AD-SEG
Release from segregation status shall occur at the earliest possible time in keeping with the circumstances and reasons for the inmate’s initial placement in AD-SEG. Nothing in this article shall prevent the official ordering an inmate’s placement in AD-SEG, or a staff member of higher rank in the same chain of command, from withdrawing an AD-SEG order before it is acted upon or prior to a hearing on the order after consulting with and obtaining the concurrence of the administrator of the general population unit to which the inmate shall be returned or assigned. Release from segregated housing after classification committee confirmation shall be effected only upon the written order of an equal or higher authority.

52080.29 Retention in AD-SEG After Expiration of Term/11 Months Indeterminate
Procedural safeguards apply to inmates retained for administrative reasons after the expiration of a SHU term. SHU terms of confinement shall be set or reduced by classification action.

A CDC Form 114-D shall be initiated, giving written notice of the reasons for retention in sufficient detail to enable the inmate to prepare a response or defense. Except in an emergency, a copy of the order shall be given to the inmate prior to the expiration of the term of confinement. In no case shall notice be given later than 48 hours after the expiration of the term.

During the subsequent classification committee hearing, the inmate shall be given a reasonable opportunity to present witnesses and documentary evidence unless institution officials determine in good faith that presentation of the evidence would be unduly hazardous to institutional safety. The reason for disallowing designated evidence shall be explained in writing by the hearing body on the segregated housing order.

A copy of the completed segregated housing order containing a written decision, including references to the evidence relied upon and the reasons for retention in segregated housing beyond the expired term or one year of indeterminate confinement, if so retained, shall be given the inmate upon completion of the hearing.

52080.30 Segregation From General Population – Not AD-SEG
Segregation from general population for the reasons and under the circumstances described below are not AD-SEG and are excluded from the other provisions of this section:

Medical
When an inmate is involuntarily segregated from the general population for medical or psychiatric reasons by order of medical staff and the inmate’s placement is in a hospital infirmary, or in other housing as a medical quarantine, the inmate shall not be deemed to be in AD-SEG. When personnel other than medical staff order an inmate placed in AD-SEG for reasons related to apparent medical or psychiatric problems, that information shall be immediately brought to the attention of medical staff. The appropriateness of AD-SEG or the need for movement to a hospital setting shall be determined by medical staff.

When medical or psychiatric reasons are not the primary reason for an inmate’s segregation, AD-SEG status will be continued even if the inmate is moved to a hospital setting.

Orientation and Layover
Newly received inmates and inmates in transit or layover status may be restricted to quarters (RTQ) for that purpose. Such restrictions shall not be more confining than is required for institution security and the safety of persons, nor for a period longer than the minimum time required to evaluate the safety and security factors and assignment to more appropriate housing.

No inmate shall be placed in RTQ for more than ten days.

DD
Placement in DD is an ordered action of a disciplinary hearing and is not AD-SEG except as provided in CCR 3338(a)(2) and (3).
Confinement to Quarters

CTQ is an ordered action of a disciplinary hearing and is not AD-SEG.

PHU

PHU inmates endorsed by CSR action, not requiring segregation other than for protective custody.

Psychiatric Services Unit (PSU)

PSU inmates posing a serious threat to general population housing, not requiring hospitalization, endorsed by CSR action.

52080.31 SHU

Refer to CCR 3341.5 and DOM 62050.13.2.

52080.32 Case Review

The case of every inmate assigned to a segregated housing unit shall be continuously reviewed and evaluated by custodial and casework staff assigned to the unit. Staff will confer on each case no less frequently than once a week during the first two months of the inmate’s segregated status. Such case reviews will not be necessary during any week in which the inmate’s case is reviewed by a regular or special classification committee or by staff who are authorized to take classification actions. Any significant observations, determinations or recommendations shall be documented on the inmate’s CDC Form 114-A.

A psychological assessment of the inmate’s mental health will be included in the case review and classification committee review of inmates assigned to segregated housing units. When any indication of psychiatric or psychological problems exists, the case shall be referred to the institution’s psychiatrist or psychologist for further evaluation and recommended classification committee actions.

52080.33 Conditions of Segregated Housing

In keeping with the special purpose of a segregated housing unit, and with the degree of security, control and supervision required to serve that purpose, the physical facilities of special purpose segregated housing shall approximate those of the general population.

52080.33.1 Restrictions

When an inmate in AD-SEG is deprived of any usually authorized item or activity and the action and reason for that deprivation is not otherwise documented and available for review by administrative and other concerned staff, a report of the action shall be made and forwarded to the unit administrator as soon as possible.

52080.33.2 Clothing

No inmate in AD-SEG shall be required to wear clothing that significantly differs from that worn by other inmates in the unit, except that temporary adjustments may be made in an inmate’s clothing as is necessary for security reasons or to protect the inmate from self-inflicted harm. No inmate shall be clothed in any manner intended to degrade the inmate.

52080.33.3 Meals

Inmates assigned to AD-SEG shall be fed the same meal and ration as is provided for inmates of the general population, except that a sandwich meal may be served for lunch. Deprivation of food shall not be used as punishment.

52080.33.4 Mail

Inmates assigned to AD-SEG shall not be restricted in their sending and receiving of personal mail, as authorized by CCR § 3138 except that incoming packages may be limited in number and in content to that property permitted in the segregated unit to which an inmate is assigned.

52080.33.5 Visits

Inmates endorsed for or assigned to a SHU shall not be allowed contact visits.

52080.33.6 Personal Cleanliness

Inmates assigned to AD-SEG shall be provided the means to keep themselves clean and well groomed. Haircuts shall be provided as needed. Showering and shaving shall be permitted at least three times a week. Clothing, bedding, linen and other laundry items shall be issued and exchanged no less often than is provided for general population inmates.

52080.34 Revisions

The Director, Division of Adult Institutions, or designee shall ensure that the content of this article is current.

52080.35 References

PC §§ 2081, 2931, 2932, 2933, 3060, 5054, 5058, and 5077.

W&I § 3051.

GC § 11346.2d.


Taylor v. Rushen (ND Cal) L-80-0139 SAW.

CCR (15) (3) §§ 3290 and 3310 - 3345.


ARTICLE 24 — FIRE PROTECTION

Revised November 25, 1997

52090.1 Policy

The Department shall provide reasonably safe facilities for inmates and furnish a place of employment that is reasonably safe and healthful.

Fire and safety related activities shall be in accordance with updated revisions of the CCR. In the event that state or local codes are not applicable, recommendations/standards of the National Fire Protection Association (NFPA) (current edition) shall apply.

Life safety and fire prevention are the responsibility of every employee. Each employee shall attend appropriate training for providing a reasonably safe working and living environment for staff, inmates, and visitors.

The Warden at each facility shall have in place fire prevention and suppression programs.

52090.2 Purpose

The purpose of this section is to provide for the prevention and prompt, efficient suppression of fire within the institutions and to ensure that all concerned, by an effective means of communication, know and understand their role in a fire safety program.

52090.3 Fire Department Organization

Each fire department shall have the following positions:

- Fire Chief, Correctional Facility.
- Firefighters, Correctional Institution.
- Inmate firefighters. Each institution shall be minimally staffed at a level of four (4) inmate firefighters per fire engine and two (2) per supplemental vehicle if applicable, with the exception of LAC and NCWF.

Fire Service/Training Specialist, Correctional Facility or Firefighter, Correctional Institution, may be established on a part-time/permanent intermittent basis at the discretion of the appointing authority.

52090.4 Institution's Fire Chief's Responsibilities

The Fire Chief:

- Performs administrative duties and manages the fire department’s operation and personnel.
- Develops training programs for fire fighting personnel (including inmates) utilizing the California Fire Service Training and Education Program (CFSTEP), and Certification Programs, recognized by the State Fire Marshal (SFM).
- Develops work schedules for firefighters/personnel under their jurisdiction.
- Coordinates staff training in fire prevention and suppression methods and technology through, and with the cooperation of, the IST Office.
- Makes or provides for frequent inspections of the institution for fire and life safety hazards and reports findings from the inspections to the Warden/designee.
- Participates in the safety program of the institution.
- Provides inspection and maintenance of fire fighting equipment/systems throughout the institution.
- Takes command during a fire/hazardous material or other life safety related emergency implementing the incident command system as required by the CCR (19) Standardized Emergency Management System including:
  - Directing fire fighting operations, rescue operations, building evacuations, etc., with the assistance and cooperation of custody personnel.
  - Ensure that water from fire hoses is not directed into occupied inmate housing units, cells, or dormitories, unless absolutely necessary to extinguish a fire.
  - Requests mutual aid in accordance with established facility plans and procedures.
• Conducts post-fire investigations after the fire is suppressed to determine the cause and prepares required reports.
• Notifies the SFM’s Office, Arson and Bomb Investigation Unit, of all fires and explosions pursuant to H&SC 13107.

Note: SFM may choose not to investigate every fire. The decision rests with the SFM.
• Maintains the fire station, adjacent grounds, all hydrants, exterior standpipes, etc., in conjunction with the Correctional Plant Manager.
• Assists the SFM’s representative on all SFM inspections or surveys.
• Performs as lead person and staff resource for developing and maintaining an effective emergency evacuation plan for every area of the facility in cooperation with all departments. The plan shall provide for quarterly fire drills, the manner in which they are to be conducted, and the designated staff responsible for evacuation procedures.
• Develops fire prevention programs and fire safety procedures in cooperation with appointed facility personnel and the office of the SFM.
• Performs custodial duties relating to inmates assigned to the fire department.

52090.4.1 Institutional Firefighters’ Responsibilities
The institutional firefighter(s) and/or Fire Training Specialist:
• Acts as Fire Chief in their absence when designated.
• Assists the Fire Chief in training, fire prevention, safety, hazardous material, inspections, investigations, and carries out duties as assigned by the Fire Chief.
• Inspects fire apparatus and equipment at the fire department at the beginning of each tour of duty.
• Ensures the cleanliness, orderliness, and sanitation of fire department facilities.
• Assists the Fire Chief in record keeping and completing required reports as necessary.
• Responds to emergency alarms in accordance with procedures.
• Performs custodial duties relative to inmates assigned to the fire department and maintains accountability of inmates, equipment, and tools.

52090.4.2 Inmate Firefighters
Inmate firefighters:
• Shall be assigned to the fire department as a full-time assignment.
• Shall be fed and quartered at the fire department as space and food preparation facilities are available.
• Shall maintain the fire department building, grounds, and equipment.
• Shall be on call at all times.
• Shall participate in fire training through SCC, when possible and program space exists. Regular OJT provided at each facility fire department shall be in accordance with the CFSTEP.
• Female inmate firefighter shall be trained by a qualified Fire Training Officer or Fire Chief.

52090.4.3 Supervisory Staff Responsibilities
Supervisory staff shall ensure daily visual inspections of their immediate work areas are performed, making certain that fire extinguishers are placed in their assigned location and charged; fire hoses have not been altered or tampered with; evacuation routes, plot plans, and exit signs are posted; and the area conforms to all fire and life safety regulations.

52090.4.4 Non-Supervisory Staff Responsibilities
All employees shall notify their supervisors of any fire hazard condition.
Suspected malfunctioning, damaged, or missing fire suppression equipment required in the work or living areas shall be reported to the supervisor of the area and to the fire department immediately.
All employees shall be familiar with the requirements of their assignments, including the appropriate actions to follow in the event of a fire or other life-threatening emergency.

52090.5 Definitions
Accident(s)
Deviations from planned events that cause an unexpected and undesirable end result or effect.

Emergency Evacuation Plans
A posted plan of the area with exits clearly marked the layout of the area, and arrows indicating the appropriate direction to take.
• Posting shall be by means of a durable sign having a contrasting color from the background to which it is attached. Other effective means of communication, including verbal orientation, shall be used for inmates with disabilities for whom such signs do not provide the needed communication.
• Figures shall be of an approved type and shall be maintained in a legible manner.
• No person shall deface or remove such signs except as authorized by the Fire Chief.

Evacuation
Movement of occupants to a safe area of the facility, a minimum of 50 feet from the building, or to the designated area of refuge of sufficient size to accommodate all occupants.

Exit(s)
A continuous and unobstructed means of egress to a public way; and shall include aisle(s), intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, courts, and yards.

Fire Drill(s)
A practiced plan which follows a written evacuation plan of action for removal of staff, inmates, and visitors in the event of a fire or major emergency. Written evacuation plans must be in accordance with the NFPA standards and approved by the SFM. Fire drills shall be performed quarterly by all appropriate staff.

First-Aid
Treatment of minor scratches, cuts, burns, splinters, abrasions, etc., which do not ordinarily require further medical care. May also include any emergency treatment provided by a person certified in first aid and/or cardiopulmonary resuscitation (CPR) for the purpose of sustaining life until appropriate professional medical personnel can arrive.

Healthful and Safe
Freedom from danger to the life and well being of staff, inmates, and visitors as the nature of the employment and environment reasonably permits. Healthful shall also mean clean.

Injury Illness Prevention Program
A written program to ensure that employees comply with safe and healthy work practices.

Personnel and Staff
Any non-incarcerated person employed by the Department and/or working under the jurisdiction thereof.

52090.6 Training Firefighters
All firefighters, including the Fire Chief, shall be trained in the latest methods of fire prevention and suppression in accordance with the CFSTEP. Staff firefighters should attend the Basic Safety Training Course offered by the Office of Insurance and Risk Management Program. All full-time firefighters shall be required to maintain current peace officer standard training according to PC 832 and other legally mandated training required by their bargaining unit contracts. Technical training available through SCC, other fire service agencies, local colleges, etc., shall be coordinated through the local IST Manager, to meet the employee record keeping requirements, and the institution Fire Chief.
All fire department personnel shall be trained and certified in first aid and CPR.

Practice Drills
Mandatory team drills for staff firefighters shall be held for a minimum period of four hours per quarter. Drills shall include training in fire prevention methods, fire suppression techniques, operation of apparatus and life support equipment, and joint mutual aid training per local agreements.

Fire Department Training Records
Fire department staff training records shall be maintained by the Fire Chief at the fire department with a copy forwarded to the institution IST office.

52090.6.1 Training Other Staff
As soon as possible after reporting to work, all new staff shall be trained in the proper steps to take in the event of a fire or other life threatening emergency. Training shall include, at minimum:
• Fire and emergency reporting procedures for the institution.
• Location and use of fire extinguishers.
• Knowledge of fire exits and evacuation routes.
• Effects of smoke inhalation.
• Proper manner of reporting emergencies and safety hazards.

Administrative and Custodial Supervisors
Administrative and custodial supervisors shall attend annual refresher courses to ensure they are current in meeting their training needs for fire and life safety compliance.

All supervisory staff shall be trained in appropriate fire and life safety and sanitation inspections to ensure clean, healthy, and safe working and living environments within their own and adjacent work areas.

All institution staff, including administrative staff, shall attend quarterly fire drills as often as possible. Fire drills shall be documented by supervisors on Health and Welfare Agency Form DS 5003, Fire/Evacuation Drill Report. Attendance shall be documented as OJT by the area supervisor in the employee's training file.

52090.7 Fire Prevention Inspections
Inspections shall provide for correction of areas that may be potentially dangerous or deficient in meeting acceptable fire and life safety standards.

The maximum degree of safety shall be provided to protect staff, inmates, and visitors from injury or illness caused by fire or other hazards.

Staff shall conduct inspections at the specified interval and in the manner prescribed.

52090.7.1 Daily Inspections
Assigned staff shall conduct daily visual inspections of their immediate work or living areas to ensure fire extinguishers are placed in their assigned location and charged; fire hoses have not been altered or tampered with; evacuation routes, plot plans, and exit signs are posted; and all areas conform to fire, safety, and health regulations.

52090.7.2 Weekly Inspections
Weekly inspections shall be performed in every work and living area. These inspections should be performed by the immediate area supervisor. Deficiencies or items needing correction shall be brought to the attention of the area department/section head so that corrective action can be taken quickly.

52090.7.3 Monthly Inspections
On-going monthly inspections for compliance with safety, hazardous materials, and fire prevention standards shall be performed by the area department/section head.

• Inspection reports shall be consistent with the Injury and Illness Prevention Program.
• Copies of the monthly inspections shall be forwarded to the Fire Chief and safety coordinator.

52090.7.4 Quarterly Equipment/Systems Inspections
Quarterly inspections shall be performed on all manual or automatic alarm systems, sprinkler systems, communications systems, detection equipment, and all other types of fire protection equipment, including exit locking devices, doors, fire trucks, and equipment for fire fighting. These systems may be inspected monthly if time and staff allows. The Fire Chief or their designee shall perform these inspections. (Sprinkler systems shall be serviced by State licensed personnel as required by the CCR.)

52090.7.5 Semi-Annual Inspections
Semi-annual inspections for compliance with safety and fire/accident prevention standards shall be performed by the Fire Chief and/or their designee of the entire institution/facility and grounds. A report shall be generated by the Fire Chief through the chain of command to the Warden on all activities of the fire department and inspection deficiencies not corrected as required by code.

52090.7.6 Annual Inspections
Annual inspections shall be performed by SFM in the manner prescribed by law.

• The SFM has statutory responsibility for institution fire prevention and public safety inspections. The SFM shall have access for annual fire and life safety inspections to all areas within the institution and grounds. The Fire Chief, or designee, shall accompany the SFM on each inspection. Each area supervisor is responsible to participate in the inspection of their own working or living area. Reports of these findings shall be forwarded to:
  • Warden.
  • Assistant Deputy Director, Office of Environmental, Health and Safety Management.
  • Deputy Director, ASD.
  • Assistant Director, OOC.
  • Deputy Director, Institutions Division.
  • Deputy Director, P&CD.
  • Chief, PFAB.
  • Fire Chief.

52090.8 Records Retention for Fire Inspections
Records of all inspections and corrective actions taken shall be maintained by the fire department for the current year, plus two (2) years.

52090.9 Fire Equipment Maintenance
The Fire Chief is responsible for the maintenance and repair of all fire fighting equipment. All fire equipment shall be inspected, tested, and maintained in serviceable condition to ensure its proper operation when a fire or other life-threatening emergency occurs.

52090.10 Fire Alarm Systems
All fire alarm systems, fire detection systems, automatic sprinklers or extinguishing systems, communications systems, and all other equipment, materials, or systems required shall be maintained in an operable condition at all times. When the fire protective qualities of such equipment, materials, or systems are disrupted or diminished, immediate action shall be instituted to reestablish such equipment, material, or systems to their original normal and operational condition.

52090.10.1 Fire Hydrants
The fire department is responsible for numbering, checking, testing, color-coding, and lubricating all fire hydrants. In addition, the fire department is responsible for the following:

• Hydrants shall be inspected quarterly and flow tested annually. Any repairs necessary shall be reported by the Fire Chief to the Correctional Plant Manager.
• Plot plans indicating the location of fire hydrants throughout the facility grounds shall be maintained at the firehouse.
• The area immediately adjacent to the fire hydrants shall be maintained free of grass, shrubbery, parked cars, or other obstructions.

52090.10.2 Fire Extinguishers
Fire department staff shall service or test portable fire extinguishers and shall secure a certificate of registration from the SFM. The required fee is to be paid by the State for fire department staff or inmates required to possess this certificate of registration.

• Fire department staff shall be trained, pursuant to CCR, to conduct the appropriate service and testing.
• Fire extinguishers shall be serviced as specified in CCR (8) General Industry Safety Orders. Servicing shall be performed in accordance with the CCR.

52090.10.3 Fire Vehicles
The Fire Chief shall ensure the maintenance and repair of all vehicles assigned to the fire department. Such maintenance and repair shall be performed on a “first priority basis for fire vehicles.” The primary objective of this provision is to keep vehicle out-of-service time to an absolute minimum. Overtime shall be authorized when necessary.

In order to accomplish the stated primary objective, maintenance and/or repair services shall be performed by one of the following:

• Fire department personnel.
• Personnel assigned to the facility garage.
• A local independent dealer, vendor, or repair facility which shall be determined by the Fire Chief in cooperation with an inspector of automotive services from the DGS.

Records of all maintenance and repair work performed by the facility garage or outside vendors shall be maintained by the vehicle maintenance garage. Vehicle Daily Inspection forms conducted by the fire department staff/inmates shall be kept at the fire department and stored for the current year, plus two (2) years.

52090.11 Fire Equipment Inventory
A complete inventory of all fire fighting equipment, apparatus, and vehicles shall be maintained. This inventory shall specify the equipment item(s), name, date of purchase (or age), installation (if available), and condition
upon last inspection. If a replacement item has been ordered, indicate the date the order was placed.

52090.12 Room Capacity Designation
Rooms used for assembly, classrooms, or similar purposes having an occupant load of fifty persons or more, where fixed seats are not installed, shall have an occupant load (capacity of the room) posted in a conspicuous place near the main exit from the room.

- Posting shall be by means of a durable sign having a contrasting color from the background to which it is attached.
- Figures (lettering) shall be of an approved type and shall be maintained in a legible manner.
- No person shall deface or remove such signs except by authority of the SFM.

52090.13 Fire Emergency Exit
Emergency exits shall be provided to ensure the safety of staff, inmates, and visitors. Exits should be positioned in such a manner that if one exit is blocked by fire and/or smoke, the other exit is available. All exits shall be continuously visible at all times, kept clear and free of obstructions, and maintained in a usable condition. Exits shall lead directly to a hazard free area where adequate supervision can be provided. Provision for emergency access and exit shall be in accordance with the CCR to allow for efficient removal of handicapped persons.

No person may impede, modify, or otherwise obstruct any designated emergency exit without approval of the Fire Chief.

52090.14 Fire Equipment Entrance to Security Area
Fire apparatus and personnel responding to an emergency scene shall not be detained. Each institution shall develop procedures to ensure compliance.

52090.15 Response to Fires and Fire Alarms
The fire department shall respond to all fires and fire alarms.

- Off-duty firefighters may be called in to work whenever their services are needed during a fire or inmate disturbance.
- No fire fighting member/staff shall leave the scene of a fire, fire drill, or other situation where apparatus/equipment has been used until the apparatus/equipment is returned to service condition, unless given express permission by the Fire Chief or their designee.
- Fire department staff shall take matters of internal operations to the Fire Chief.
- Fire department staff shall direct all persons seeking information relative to fires or the fire department operations to the Fire Chief.
- The fire department also may be required to respond to other institutional emergencies.

52090.16 Changes in Fire Policy
The Fire Chief shall make recommendations to the Warden with respect to matters of policy, personnel, and administration of the fire department.

52090.17 State Fire Marshal’s Orders
All written SFM’s orders, special or otherwise, shall be conspicuously posted on a bulletin board for a minimum of three days or until the SFM cited condition (violation) is corrected. All citations shall be maintained for the current year, plus two (2) years.

The SFM has certain responsibilities concerning fire, life, and panic safety in the institution. A working arrangement exists with the SFM’s Office for them to periodically confer with the Associate Warden, Business Services, the Fire Chief, and/or any other interested supervisory personnel in the fulfillment of fire and life safety needs in the institution. The SFM’s Office will also assist the Fire Chief in developing procedures pertaining to fire suppression in the institution.

- Whenever it becomes necessary to remodel or otherwise modify existing buildings (add or remove walls, install additional doors, etc.), plans shall be submitted to the Fire Chief for review and comment/approval. Plans shall be forwarded by the P&C&D in Central Office, to the SFM for final approval prior to the beginning of a project.

52090.18 Fire Reporting
It is the duty and responsibility of every employee discovering a fire or fire hazard to report it to the fire department immediately or as soon as reasonably possible.

- All fire emergencies shall be reported by the fire department emergency telephone number. A record of all fire calls shall be maintained indefinitely at the institution fire department.

- Any fire which has been extinguished by other than fire department staff or inmates shall be reported by the fire department business telephone number.

When reporting a fire, employees shall provide the following information:

- Exact location and extent of the fire.
- Amount of smoke present.
- Action being taken to control the problem.
- Information relative to any disturbance accompanying the fire.
- Whether inmates or staff are being (or have been) evacuated.
- Nature of any known hazardous substances located within the fire area.

If possible, take corrective action to combat the fire and/or evacuate the area.

52090.19 Evacuation(s)
Fire protection practices and departmental policy mandate that all employees be instructed and trained concerning their duties and responsibilities should it become necessary to conduct an emergency evacuation for any fire or life threatening condition.

Fire emergency and evacuation plot plans and routes shall be conspicuously posted in every area throughout the institution. Area supervisors shall ensure that all employees and inmates are aware of the correct route to take in the event of an evacuation. Special instructions shall be provided for inmates with disabilities to effectively communicate the correct route to take in the event of an evacuation.

Fire and emergency evacuation procedures shall be modified as necessary to ensure the safe and efficient evacuation of individuals with disabilities. Particular attention should be given to housing units designated for inmates with disabilities. Whenever possible, inmates with disabilities, who may require assistance during an emergency evacuation, should be housed in cells and dorms closest to the emergency exits.

Evacuations may be ordered prior to or during a fire or other emergency by the Fire Chief, institution firefighter, unit lieutenant or other personnel in charge of the life threatening area.

Whenever possible, at least two designated exits shall be identified to permit the prompt evacuation of staff, inmates, and visitors.

Evacuation drills shall be held quarterly under varying conditions on all three watches by designated supervisors. Such drills shall be actual unless the drill would cause a security or unusual safety problem with removing the inmates.

- Where actual evacuation is not feasible due to custody, safety, and welfare of staff or inmates, staff will walk through the evacuation procedures without actual evacuation.

Such walk through drills shall be monitored by the area supervisor to ascertain that actual evacuation could be accomplished as required. All staff and inmates will be familiar with fire evacuation routes, exits, and procedures.

At the conclusion of fire drills, the area supervisor shall complete a DS 5003 indicating the necessary information, and forward a copy to the Fire Chief.

52090.20 Post Fire Investigation(s) and Reports
A complete report of all fires, hazardous materials, medical, standbys, public assist, or mutual aid incidents shall be prepared by responding fire department staff and forwarded to the SFM’s Office as required by California Fire Incident Reporting System.

- Fire department staff shall conduct a complete investigation of the scene to ensure that the fire is completely extinguished.

- All materials burned or destroyed by the fire shall be itemized and the name of the person or persons involved shall be recorded on the report.

52090.21 Individual Fire Injury or Death
On fires where an inmate or employee is injured or dies as a result of the fire, or when the Fire Chief considers conditions related to a certain incident sufficiently unusual, a written report accompanied by appropriate photographs shall be completed and copies submitted to the SFM and the Assistant Deputy Director, Office of Environmental, Health and Safety Management, Central Office. In addition a copy of the written report shall be sent to the Division of Labor Statistics and Research, DIR.

52090.21 Mutual Aid
Mutual Aid, by definition, is a fire district request for supplement fire suppression aid in the event of a fire or other emergency beyond the immediate control of that district.

- The Fire Chief or designee may either request assistance from or dispatch firefighters and equipment to the fire district outside of the institution grounds, in accordance with the established local Mutual
Aid Plan, existing agreements with the fire district requesting the assistance, and the state OES.

- Mutual aid requests or responses shall not place the institution in jeopardy or violate minimum safety standards.

- Mutual aid requests shall be processed through the institution Fire Chief or designee.

- When a request is received, the Fire Chief or firefighters shall determine the type of fire equipment required and the number of inmate firefighters or staff needed to respond.

- Mutual aid requests from fire districts may be verbal or in writing (prior to the emergency). Such requests shall outline the area to be responded to and the type of incident anticipated. The fire department may respond to such requests, based upon availability of required firefighter staffing and equipment that can be excused from regular duty assignments at the time of the emergency.

- Only inmates who have been so classified in accordance with local procedures in conjunction with the CCR or DOM 62070, once approved for use, are eligible to participate in mutual aid responses.

- Fire apparatus (engines/vehicles) shall be driven by the Fire Chief or firefighter only, when off institution property. All fire department staff shall be trained and licensed in accordance with the VC.

- Prior to leaving the institution grounds with inmate firefighters, the Fire Chief or firefighter shall call the watch commander and advise them of the location of the emergency, names and numbers of inmate firefighters, and staff responding.

- Upon return to the institution after a mutual aid call, the employee in charge shall call the watch commander to advise of the return and report any unusual incidents or activity while away from the institution.

- Inmate firefighters shall not drive on a public road, except in an extreme emergency.

- On extended mutual aid responses where the crew is to be away from the institution for more than one day, the employee in charge shall notify the watch commander at least every 24 hours, or as soon as practical thereafter, of the status of the crew.

52090.22 Revisions
The Deputy Director, Administration Services, or designee shall ensure that the contents of this section are current.

52090.23 References
CCR.  

ARTICLE 25 — INMATE INDECENT EXPOSURE AND SEXUAL DISORDERLY CONDUCT MANAGEMENT  
Effective-September 2007

52100.1 Policy
Indecency Exposure and Sexual Disorderly Conduct will not be tolerated by the California Department of Corrections and Rehabilitation (CDCR). Penal Code (PC) Section 314 defines Indecent Exposure as “the willful and lewd exposure of a person, or the private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby.” Sexual Disorderly Conduct is defined in California Code of Regulations (CCR) Section 3000 as “every person who touches, without exposing, their genitals, buttocks, or breasts in a manner, or other circumstance of this touching, that demonstrates it is for the purpose of sexual arousal, gratification, annoyance, or offense, and that any reasonable person would consider this conduct offensive.”

52100.2 Purpose
To ensure that every Indecent Exposure or Sexual Disorderly Conduct incident is reported, tracked, managed, subject to discipline, and referred for prosecution as set forth in this policy. An inmate who engages in Indecent Exposure or Sexual Disorderly Conduct shall be subject to a variety of Security Measures in an attempt to identify, prevent, reduce, and eliminate the opportunity to repeat the behavior.

It is the policy of the Department to provide support to every employee who observes an Indecent Exposure or Sexual Disorderly Conduct incident. Such support can include the Employee Assistance Program, the Employee Post Trauma Program, the Equal Employment Opportunity (EEO) referral process, and the imposition of Security Measures as described in Section 52100.4.

52100.3 Implementation

Incident Reporting and Tracking:
Every Indecent Exposure or Sexual Disorderly Conduct incident shall be documented by the observing employee on a CDC Form 115, Rules Violation Report (RVR).

Indecency Exposure is classified as either a Division D or a Division B offense. If the inmate has no prior criminal convictions for PC Section 314, Indecent Exposure, or PC Section 288, Lewd Act on a Child or Dependent Person, the inmate will be charged with the Division D offense of Indecent Exposure. If the inmate has any prior criminal conviction for PC Section 314 or 288, the inmate will be charged with the Division B offense of Indecent Exposure with a Prior.

In addition, the Indecent Exposure shall be reported as an incident on the CDCR Form 837, Crime/Incident Report. All Indecent Exposure Incident CDCR Form 837’s shall be referred to the District Attorney.

An inmate who masturbates or engages in inappropriate touching of his/her genitalia, buttocks, or breasts while exposing his/her genitals, for example under the clothing, will be charged with the Division E offense of Sexual Disorderly Conduct.

An inmate who engages in Indecent Exposure or Sexual Disorderly Conduct shall be referred for a mental health assessment through the submittal of a CDCR Form 115-MH, Rules Violation Report: Mental Health Assessment Request.

All employees observing an Indecent Exposure or Sexual Disorderly Conduct incident shall be provided the opportunity to complete a CDCR Form 2152, Employee Report of Inmate Sexual Misconduct. All Supervisors are required to complete the appropriate sections of the CDCR 2152, regardless of the employee’s decision to complete the form.

Inmate clerks shall not prepare or type an Indecent Exposure or Sexual Disorderly Conduct RVR

The assigned Captain shall be responsible for identifying all Indecent Exposure and Sexual Disorderly Conduct offenders within their area. A tracking list shall be distributed on a monthly basis to Correctional Administrators, Facility Lieutenants, the Chief/Senior Psychiatrist or Chief/Senior Psychologist, and the Indecent Exposure Review Committee (IERC), (see Section 52100.5 “Monitoring”). This list is highly restrictive and shall not be duplicated, but shall be available for staff review at the facility/unit program office.

52100.4 Security Measures
Inmates who engage in acts of Indecent Exposure or Sexual Disorderly Conduct will be subject to Security Measures that are designed to decrease the opportunity for the inmate to repeat the behavior and/or minimize the impact that the behavior has on prison staff and others. Security Measures are tools used by staff for a determinate period to identify, prevent, reduce, and eliminate the behavior.

There are two types of Security Measures. They are immediate Security Precautions and post Disciplinary Restrictions.

Security Precautions:
Immediate Security Precautions are implemented following a report, whether verbal or written, of Indecent Exposure or Sexual Disorderly Conduct. Correctional Officers/Sergeants shall implement Security Precautions. These Security Precautions shall be approved, tracked, and reviewed by the Lieutenant/assigned Captain on a weekly basis. In an Administrative Segregation Unit (ASU), Security Housing Unit (SHU), and Psychiatric Services Unit (PSU) the assigned Captain in consultation with the Interdisciplinary Treatment Team (IDTT) may remove or extend these precautions based on the overall case factors and institution security needs as appropriate.

Security Precautions include:
- Solid door with yellow placard, cell and/or side-window covering, or other devices primarily used to alert staff of an inmate’s propensity to engage in Indecent Exposure or Sexual Disorderly Conduct behavior and secondarily used to limit the inmate’s ability to observe staff while engaging in the behavior.
- Use of an Exposure Control Jumpuit to limit the ability of the inmate to engage in the behavior.
- Temporary restriction from yard or other settings which may provide a venue for the behavior.
• Substitution of activity setting to reduce the possibility of the behavior impacting staff.

Application of Security Precautions:

Upon the first and subsequent Indecent Exposure or Sexual Disorderly Conduct offense(s), the inmate shall be identified on an Indecent Exposure Offender Tracking Memorandum.

Common Area Offenses:

If the Indecent Exposure or Sexual Disorderly Conduct occurs outside of the cell/bed area in the General Population (GP) the following protocols shall be followed:

All offenses: Place in Administrative Segregation/status. Apply yellow cell front covering and Exposure Control Jumpsuit. No yard access for 10 days followed by Exposure Control Jumpsuit while outside of cell.

If the Indecent Exposure or Sexual Disorderly Conduct occurs outside of the cell/bed area in ASU/SHU the following protocol shall be followed:

All offenses: Apply yellow cell front covering.

First offense: No yard access for 10 days followed by Exposure Control Jumpsuit while outside of cell, and apply yellow window covering in an equipped facility.

Second offense: No yard access for 10 days followed by Exposure Control Jumpsuit while outside of cell, and apply yellow window covering in an equipped facility.

In the Indecent Exposure or Sexual Disorderly Conduct occurs outside of the cell in PSU the following protocol shall be followed:

All offenses: Apply yellow cell front covering.

First offense: No yard access for 10 days, followed by concrete yard for 60 days. Exposure Control Jumpsuit optional.

Second offense: No yard access for 10 days, followed by concrete yard for 120 days. Exposure Control Jumpsuit optional.

In Cell/Bed Area Offenses:

If the Indecent Exposure or Sexual Disorderly Conduct occurs inside the cell/bed area in the GP the following protocol shall be followed:

All offenses: Place in Administrative Segregation/status. Apply yellow cell front covering.

If the Indecent Exposure or Sexual Disorderly Conduct occurs inside the cell/bed area in ASU/SHU the following protocol shall be followed:

All offenses: Apply yellow cell front covering.

First offense: No yard access for 10 days, followed by concrete yard for 60 days. Exposure Control Jumpsuit optional.

Second offense: No yard access for 10 days, followed by concrete yard for 120 days. Exposure Control Jumpsuit optional.

The Indecent Exposure or Sexual Disorderly Conduct occurs inside the cell/bed area in the General Population (GP) the following protocol shall be followed:

All offenses: Apply yellow cell front covering.

First offense: An inmate shall be placed on Exposure Control Jumpsuit for 90 days from the date of the offense.

Second offense: An inmate shall be placed on Exposure Control Jumpsuit for 180 days from the date of the offense.

For the first offense the yellow cell front covering shall be applied for 90 days from the date of the offense.

For a second offense within 12 months from the most recent offense, or while on yellow cell front status, the inmate will be placed on yellow cell front status for 6 months from the most recent offense, which will run concurrent with the existing precaution.

Cell Front Covering Requirements:

The Warden will have the discretion to use solid yellow placards or cell front coverings, according to their cell front designs and material on hand, (lexan, paper, cardboard, etc.) as long as there is a review process in place to remove the security precautions when an inmate’s behavior has been corrected.

Solid door: This type of door requires a yellow placard (yellow paper). Yellow paper is applied to the cell front window as well as the count window, where applicable, leaving approximately eight to nine inches from the top or bottom of the windows uncovered, depending on the angle of control booth visual or upper/lower tier. When removing an inmate from a cell, conducting hourly security checks, and/or during count, it is required practice to remove the yellow paper completely in order to appropriately complete these duties.

Exposure Control Jumpsuit:

Exposure Control Jumpsuits are not to be used in the GP as the inmate requires close monitoring when wearing a jumpsuit.

The placement of an inmate onto Exposure Control Jumpsuit status is mandatory for all out-of-cell Indecent Exposure and Sexual Disorderly Conduct incidents as a Security Precaution in SHU and ASU.

The placement of an inmate onto Exposure Control Jumpsuit status is optional for all Indecent Exposure and Sexual Disorderly Conduct out-of-cell offenses in PSU.

The reporting employee may initiate this Security Precaution by submitting a CDC 128-B. If a CDC 128-B is not submitted by the reporting employee, the Incident Commander is responsible to ensure that a CDC 128-B is completed.

First offense: An inmate shall be placed on Exposure Control Jumpsuit Security Precaution for 30 days from the date of the offense.

Second and subsequent offenses: Should the inmate re-offend within 12 months of the most recent offense, or while on jumpsuit status, the inmate will be placed on jumpsuit status for 90 days from the most recent offense, which will run concurrent with the existing precaution.

Disciplinary Restrictions:

Disciplinary Restrictions are applied as a result of a disciplinary action where inmates are afforded due process.

Inmates found guilty of committing an Indecent Exposure or Sexual Disorderly Conduct offense through the inmate disciplinary process may be subject to credit and privilege loss.

The suspension of privileges based on a finding of guilt in a disciplinary hearing, pursuant to CCR Sections 3007, 3323(d)(7), 3323(f)(5), and 3323(g)(8) shall be assessed as follows:

First offense: A finding of guilt in a disciplinary hearing for Indecent Exposure or Sexual Disorderly Conduct may result in the loss of privileges including, but not limited to, any or all of the following, for up to a 90 day period:

1. Canteen.
2. Appliances.
3. Vendor packages.
4. Telephone privileges.
5. Personal property.

Second or subsequent offense: A finding of guilt in a disciplinary hearing for Indecent Exposure or Sexual Disorderly Conduct may result in the loss of any or all of these privileges for up to a 180 day period.

Following the completion of the disciplinary process and a finding of guilt, security precautions and disciplinary restrictions may remain in effect for a period of time designated by the Senior Hearing Officer (SHO) consistent with this policy. If a finding of not guilty results, the security precautions shall be removed.
**District Attorney Referrals:**
All Indecent Exposure incidents shall be referred to the District Attorney per the current Memorandum of Understanding between the institution and the District Attorney. This Memorandum of Understanding will include an explanation concerning the reason Indecent Exposure misdemeanor cases require prosecution. The IERC shall publish a status report concerning Indecent Exposure incident cases referred to the District Attorney no less than quarterly. A copy of the status report shall be provided to the Warden and the District Attorney.

**Classification:**
Any inmate charged with an Indecent Exposure or Sexual Disorderly Conduct offense shall be placed in ASU and reviewed by the ICC to determine the appropriateness of ASU retention, pending disciplinary matters, and/or future housing considerations. Inmates found guilty in a disciplinary hearing of committing an Indecent Exposure (either Division D or Division B offense) may also be subject to the imposition of an “R” suffix custody designation (refer to DOM Section 62010.4.3.1.). A review of the “R” suffix custody designation shall be initiated by the Institutional Classification Committee (ICC) when an inmate has been found guilty in a disciplinary hearing for Indecent Exposure.

**ASSESSMENT OF SHU TERM:**
A determinate period of confinement in a SHU may be established for an inmate when found guilty of an Indecent Exposure or Sexual Disorderly Conduct per CCR Section 3341.5(c)(9)(K) “Sexual Misconduct.” The term shall be established by the ICC utilizing the standards in the SHU Term Assessment Chart in CCR Section 3341.5.

**FAMILY VISITING RESTRICTIONS:**
Per CCR, Title 15, Section 3177(b)(1)(A), an inmate may be restricted from family visiting even without a criminal conviction, provided there is substantial evidence of such misconduct. Substantial evidence includes a guilty finding on a disciplinary report. Therefore, a guilty finding for Indecent Exposure may prohibit the inmate from family visiting. This probation may be permanent. This restriction on family visiting is not a penalty imposed by the SHO as part of the disciplinary disposition. A classification committee may impose this restriction when family visiting is reviewed. In the hearing summary, it is sufficient for the SHO to note the inmate has been found guilty of an offense listed under the CCR, Title 15, Section 3177(b)(1)(A), as prohibiting family visiting.

**MENTAL HEALTH REFERRAL AND EVALUATION:**
An inmate who engages in Indecent Exposure or Sexual Disorderly Conduct shall be referred for a mental health assessment through the submittal of a CDR Section 115-MH, Rules Violation Report: Mental Health Assessment Request. At the same time, custody staff will implement Security Precautions as described in Section 52100.4. Offenders who are already enrolled in the Mental Health Services Delivery System (MHSDS) will have this issue addressed by the IDTT assigned to that unit. The IDTT may recommend specific behavioral security precautions, in addition to appropriate adjustments to medications and/or other therapeutic interventions, in an effort to identify, prevent, reduce, and eliminate the behavior. The receipt of the mental health assessment by mental health clinicians shall be reviewed for potential further mental health screening or a comprehensive mental health evaluation to determine if the inmate has a condition that warrants entry into the MHSDS. A diagnosis of Exhibitionism requires entry into the MHSDS under the medical necessity designation. The results of Indecent Exposure or Sexual Disorderly Conduct related Mental Health Assessments shall be provided to the IERC no less than quarterly.

**Training:**
Training will be provided to impacted personnel necessary for the ongoing management of the Indecent Exposure and Sexual Disorderly Conduct Procedures.

**Employee Policy Recommendations regarding Indecent Exposure or Sexual Disorderly Conduct Incidents:**
All staff shall be allowed to make policy recommendations regarding Indecent Exposure or Sexual Disorderly Conduct incidents to their supervisor at any time. Written recommendations shall be submitted to the employee’s supervisor who shall forward the recommendation to the IERC for consideration.

**52100.5 Monitoring**
The IERC will monitor the implementation and effectiveness of the policy and procedures set forth above. The IERC will meet no less than quarterly. The IERC is comprised of administrative staff at the level of Associate Warden, Chief or Senior Psychiatrist and Chief or Senior Psychologist, other program staff as appropriate, and other mental health staff as appropriate, Custodial Management, Litigation Coordinator, and a Recorder who will prepare minutes from the meeting. The IERC will evaluate policy compliance and effectiveness, and monitor the impact of Security Measures, and clinical programs using the tracking reports, Incident Reports, and the Employee Report of Inmate Sexual Misconduct. The Warden will forward monitoring information to headquarters on a regular basis and headquarters will monitor the activities of the IERC.

**52100.6 Revisions**
The Director of the Division of Adult Institutions or designee is responsible for ensuring that the contents of this Article are kept current and accurate.

**52100.7 Reference**
CCR §§ 3000, 3007, 3177, 3323, 3341.5
DOM, Section 62010.4.3.1.
PC §§ 288, 314

**ARTICLE 26 — AIR SPACE MANAGEMENT**
*Effective September 21, 1989*

**52110.1 Policy**
The Department shall maintain operational control of the air space immediately adjacent to and above each institution consistent with State and Federal laws and regulations.

**52110.2 Purpose**
The purpose of this section is to provide guidelines for maintaining operational control of each institution’s air space.

**52110.3 Institution Air Space**
Air traffic is controlled by the Federal Aviation Administration (FAA). The FAA has rules governing all movement of aircraft. Federal Aviation Regulation (FAR) 91.79 requires a fixed wing aircraft to maintain a minimum altitude of 1,000 feet above the highest point of land or structure within a horizontal radius of 2,000 feet from the aircraft. A helicopter has no altitude restrictions other than that which does not endanger persons or property below and which, if the engine failed, would allow the aircraft to safely auto-rotate to the ground. These altitude standards apply to all normal air traffic in the vicinity of an institution.

All aircraft observed violating FAR 91.79 shall be reported to the appropriate Air Route Traffic Control Center:
- Northern California (415) 797-3200.
- Southern California (805) 947-4101.

**52110.4 Air Traffic Restrictions**
The FAA has the authority (FAR 91.91) to restrict aircraft from flying over designated areas. There are two types of restrictions:
- Permanent.
- Temporary.

Temporary restrictions are usually limited to areas containing:
- Military bases.
- National Monuments.
- Areas consistent with greater public safety or security.

Temporary restrictions are granted on an as needed basis for a single event such as:
- To protect persons or property from danger during disaster relief.
- To prevent an unsafe congestion of sightseers and other aircraft above an incident that has or may generate a high degree of public interest.

A temporary restriction may be requested from the FAA Air Route Traffic Control Center and if granted will result in a Notice to Airmen (NOTAM) of this restriction. See DOM 52110.3 for the Air Route Traffic Control Center telephone numbers.

**52110.5 Responsibility**
Each Warden or designee shall:
- Coordinate and implement communication with outside agencies to ensure a clear understanding of departmental policy regarding air traffic needs, emergency response and escape procedures.
- Develop or refine mutual aid agreements with local law enforcement or other airborne units. These units may assist in prevention of escapes, identification of unauthorized aircraft in the vicinity, and give air space protection during a critical incident or major disturbance.
- Identify and clearly mark a helicopter landing area for emergency landings, rescue flights, or public official visits. The landing site shall be outside the security area and, if possible, within the coverage of an armed post.
- Establish supplemental procedures for notification/reporting violations of air space and specify the contact person for notification/coordination with other agencies.
- Ensure that updated post orders are available to all armed posts informing them of the policy concerning air space control, including use of firearms, emergency landings, attempts to escape, authorized low altitude flyovers and emergency rescue.
- Ensure that all staff and inmates are informed by written and/or verbal notice of the policy regarding air traffic. Warning signs shall be posted as necessary.

52110.6 Emergency Situations
If any aircraft enters an institution’s air space without prior permission, attempts shall be made to wave it off. If it appears to be in distress, attempts shall be made to direct it to the designated landing site or adjacent area. Occupants shall be directed to remain in the aircraft, under security coverage, until the situation can be resolved.

52110.7 Escape Attempts
If any aircraft entering an institution’s air space appears to be involved in an escape attempt, all means shall be taken to prevent or halt an escape. Attempts shall be made to direct an aircraft away from inmate occupied and/or security areas. The use of weapons fire as a warning is prohibited. Firearms shall not be discharged in a direction that would endanger innocent employees or civilians not involved in an escape attempt.

Firearms shall not be used to bring down or disable an aircraft in flight. Once an aircraft being used for an escape attempt has landed, all efforts will be made, including the use of firearms, to disable the aircraft and render it unable to fly.

Weapons fire may be returned at any attacker within an aircraft when that is the only means available to save the lives of innocent and/or uninvolved persons. Recommended target areas for helicopters are to the transmission and motor located below the large horizontal rotor blades on top of the main cabin, and the rear tail rotor. Destroying the wheels or propeller of a fixed wing aircraft will disable it.

Inmates shall be ordered to move away from the aircraft. Failure to do so is considered an attempt to escape and shall be treated consistent with existing policy.

52110.8 Revisions
The Deputy Director, Institutions Division, shall ensure that the content of this section is accurate and current.

52110.9 References
CCR (15) (3) § 3295.
Federal Aviation Regulations 91.79 and 91.91.

ARTICLE 27 — TERRORISM LIASON OFFICER PROGRAM
Effective February 5, 2018

52200.1 Policy
The California Department of Corrections and Rehabilitation (CDCR) shall establish a Terrorism Liaison Officer (TLO) Program to facilitate the reporting of information between members of the Department and the Homeland Security community.

52200.2 Purpose
The purpose of this Department Operations Manual (DOM) section is to provide Division of Adult Institutions (DAI), Division of Adult Parole Operations (DAPO), Office of Internal Affairs (OIA), the Division of Juvenile Justice (DJI), and the Office of Correctional Safety (OCS) with a framework that is intended to appropriately and expediently report to the California State Threat Assessment System (STAS) information related to suspected radical or extremist’s behaviors occurring within the CDCR purview.

52200.3 Oversight
The Office of Correctional Safety, Criminal Intelligence Analysis Unit (CIAU) is tasked with the oversight of the CDCR TLO program. The CIAU Senior Special Agent under the direct oversight of the Chief of the Office of Correctional Safety shall maintain oversight of the TLO program through designated Intelligence analysts and Special Agents assigned to the CIAU.

52200.4 Designations
Each CDCR DAI Institution, DAPO Parole District, OIA Headquarters Office, DJJ Facility, and OCS Field Office shall designate a CDCR Peace Officer to serve as a TLO. This assignment will be considered an additional duty of the staff member’s currently assigned duties. This individual shall be considered the Primary TLO and shall serve as the direct point of contact for the Criminal Intelligence Analysis Unit. Backup TLOs should also be designated to assist the primary TLO, and be available in their absence. The number of Backup TLOs at each location should be determined by the department head or Parole Administrator.

DAI should consider assigning the TLO duties to a staff member assigned to the Investigations Unit within each Institution. DAPO should consider assigning the TLO duties to a staff member at the classification of Parole Agent II Supervisor or higher. The Parole Agent II Supervisor assigned to the Correctional Intelligence Task Force shall also be a designated TLO.

The CIAU Special Agent (SA) assigned to the Radicalization/Violent Extremism desk shall serve as the Terrorism Liaison Officer Coordinator (TLOC). The TLOC shall ensure that TLO’s are provided relevant and current intelligence to ensure awareness of trends and activities regarding radicalization and homegrown violent extremism. The TLOC will be the primary point of contact for TLO’s when reporting incidents of suspected radical behavior.

In addition, the TLOC shall be responsible for the following:
- Conduct quarterly conference calls with TLO’s.
- Provide radicalization/homegrown violent extremist training and briefings to CDCR TLO’s.
- Maintain a TLO email distribution list in the CDCR email system.
- Maintain working relationships with the Joint Terrorism Task Force, Correctional Intelligence Task Force, and the California regional fusion centers.

52200.5 Training
Each TLO and assigned backup TLO shall be required to attend the Basic Terrorism Liaison Course hosted by the fusion center in their region. TLO’s are encouraged to attend advanced TLO courses offered by the regional fusion centers. TLO’s can register for training at the California State Threat Assessment System’s website located at www.calstas.org.

52200.6 Reporting
The CDCR TLO reporting protocols are designed to prevent case confliction and to expedite the reporting process to ensure a timely response to reports of suspicious behavior. The following are the steps to be taken when reporting suspected radical/extremist behavior.

CDCR TLOs shall report any suspicious activities by directly contacting the TLOC at citcentralintake@cdcr.ca.gov.

Intelligence analysts assigned to the CIAU Radicalization/Violent Extremists desk will review the submission and, as appropriate, prepare a Suspicious Activity Report (SAR). Prior to submitting the SAR, the Analyst will forward the proposed submission to the TLOC SA and the CIAU Senior Special Agent for review. Upon completion of the review, the proposed submission shall be forwarded to the Federal Bureau of Investigation Correctional Task Force Coordinator for final review and de-confliction. Once the review process has been completed and a determination has been made to release the information, the proposed submission will be made by the CIAU TLO Analyst or the TLOC SA to the California fusion center with jurisdiction over the reported activity. A courtesy copy of the notification will also be sent to the other California fusion centers for their situational awareness.

If an investigation has already been initiated by another agency, the TLOC SA will contact the agency in charge of the investigation to ensure that distribution of the intelligence to the fusion centers will not compromise the on-going investigation.
In cases where an investigation has yet to be initiated, the TLOC SA and the CIAU Senior Special Agent will be responsible for initiating an investigation into the activity and determining the appropriate CDCR response.

Any additional case coordination requiring the deployment of resources between the reporting person, the OCS, and any other affected agency will be the responsibility of the Emergency and Criminal Intelligence Operations’ Special Agent-In-Charge and/or the OCS Deputy Chiefs.

52200.7 Revisions
The Chief of the Office of Correctional Safety or designee shall ensure the content of this Section is correct and current.

52200.8 References
Governor’s Executive Order D-67-03
Government Code § 8585
6 U.S. Code § 101

ARTICLE 28 — UNASSIGNED

ARTICLE 29 — SOCIAL SERVICES AND COUNSELING
Effective September 22, 1989

53030.1 Policy
The Department shall provide a range of individual counseling and social services designed to meet the casework and program needs of inmates.

53030.2 Purpose
This section establishes objectives to ensure the maximum constructive impact of correctional staff on inmates within the correctional setting.

53030.3 Definition
Social services are programs or activities designed to assist inmates in their adjustment to institution living or to educate and provide skill training to prepare the individual for return to the community.

53030.4 Responsibility
Each Warden shall establish and maintain counseling and social service programs in conjunction with inmate classification procedures and individual program or casework needs.

The program shall be administered by a staff member preferably at the associate Warden level.

All institution personnel shall be familiar with social services available at their facility and shall inform inmates of available services when appropriate.

Correctional counselors shall provide needed casework services which may be augmented by volunteer community resources as detailed in DOM 31040, Volunteers.

53030.5 Reception Centers
Every inmate committed to the Department shall be assigned to the caseload of a Correctional Counselor upon reception.

Inmates shall be provided an orientation to the Department which shall include information related to the:
- CCR (15) (3).
- CCR (15) (2) BPT Rules.
- Available institution social services.
- The work incentive program.

53030.6 Institution Social Services
Every inmate shall be assigned to the caseload of a Correctional Counselor upon arrival at the receiving institution.

Correctional counselors shall qualify, by experience and education, to provide individual and group counseling services, as needed.

The Correctional Counselor shall be available for scheduled individual interviews and shall provide for a regularly scheduled “open line.”

Inmates may request scheduled interviews by “Request for Interview” forms or through contact at “open line.”

Counselors may ducat inmates from their assignments to facilitate necessary casework contacts when such contacts cannot be reasonably made during the inmate’s off-time hours including the inmate’s regular days off. (Refer to DOM 35130, IW/TIP)

The assigned counselor shall monitor the inmate’s participation in program activity considering mutually established goals.

Social services provided shall include but not be limited to:
- Program development and evaluation.
- Institution adjustment.
- Parole planning.
- Interpersonal relationships.
- Family planning.
- Marital, family relationships.
- Parental education.
- Substance abuse.
- Crisis intervention.
- Assessment of special needs.
- Referral to available academic, vocational, religious, recreational, work and community programs.

53030.7 Community Resources
For additional information, refer to DOM 31040, Volunteers; DOM 53020, Inmate Activity Groups; and DOM 53130, IW/TIP.

53030.8 Revisions
The Deputy Director, Institutions Division, or designee shall ensure that the content of this section is current and accurate.

53030.9 References
PC § 3409.
CCR (15) § 3233.
ACA Standards 2-4472 - 2-4480.

ARTICLE 30 — INMATE SMOKING POLICY
Revised August 22, 2005

53040.1 Policy
Smoking, possession, or use of tobacco products by inmates, is prohibited. A tobacco product in the possession of an inmate is considered contraband.

53040.2 Purpose
This Article sets forth the operational practices associated with the Department’s ban on inmate smoking and tobacco possession.

Implementation of the ban is based on the Penal Code (PC) Section 5038.1 and the applicable regulations are found in the Title 15 of the California Code of Regulations (CCR), Sections 3006, 3187, 3188, and 3189.

53040.3 Definitions
For purposes of this Article, the following definitions shall apply:
- Smoke or smoking means inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or smoking paraphernalia used for consuming the smoke of tobacco or any other burning product.

- Tobacco product means any product that contains tobacco, the prepared leaves of any plant belonging to the nicotiana family, which shall include, but not be limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco, tobacco substitutes, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco related products as well as packaging material.

Packaging material includes, but is not limited to, snuff or cigarette containers.

53040.4 Tobacco Use Cessation Assistance.
All institutions/facilities shall provide tobacco use cessation assistance to inmates in a manner consistent with its physical design and security requirements. However, no institution/facility is obligated to purchase tobacco cessation aids for inmates pursuant to this Policy.

Tobacco use cessation assistance may include, but will not be limited to, the following:
- Tobacco use cessation classes.
- Distribution of printed tobacco cessation material.

53040.5 Inmate Violations
Inmates violating the provisions of this Policy and the limitations of CCR, Title 15, Sections 3006, 3187, 3188, or 3189 on July 1, 2005, and thereafter shall be subject to the disciplinary process set forth in the Department Operations Manual (DOM), Chapter 5, Article 23, Inmate Discipline, and the disciplinary methods, administrative and serious rule violation provisions of CCR, Title 15, Sections 3312, 3314, and 3315.

53040.6 Revisions
The Chief Deputy Secretary, Adult Operations, or designee shall ensure that the content of this Article is accurate and current.
53040.7 References  
PC § 5030.1.  
Government Code §§ 7596 through 7598, 19994.30, 19994.33, and 19994.35.  
CCR, Title 15 §§ 3006, 3187 through 3189, 3312, and 3314 through 3315.  
DOM Chapter 5, Article 23 §§ 52080.1 through 52080.35.

ARTICLE 31 — UNASSIGNED

ARTICLE 32 — UNASSIGNED

ARTICLE 33 — UNASSIGNED

ARTICLE 34 — UNASSIGNED

ARTICLE 35 — UNASSIGNED

ARTICLE 36 — INSTITUTION PUBLICATIONS  
Effective October 2, 1989

53100.1 Policy  
Institutions may publish a newspaper, newsletter or magazine with the specific authorization of the Warden.  
Inmates may participate in the publication of such newspapers, magazines, or newsletters with specific authorization of the Warden.  
If an institution publication is authorized, as provided above, it shall be produced as part of the work, training or education program of the institution.

53100.2 Purpose  
The purpose of this section is to provide guidelines for the approval and preparation of institution publications and ensure compliance with legal and administrative requirements.

53100.3 Purpose Of Institution Publications  
The publication shall provide a useful and constructive service by disseminating information of interest to inmates and staff, such as institution events and activities, policies and procedures, law changes, and court decisions.  
It shall provide work experience and training in journalism, printing and related fields.

53100.4 Responsibility  
The Warden shall appoint an administrative editor from his/her immediate staff (i.e., administrative assistant, chief deputy, PIO, etc.) who shall ensure that guidelines set forth by recent court decisions and departmental policies are adhered to.  
The administrative editor shall work closely with the supervising editor in the selection of inmates assigned to the institutional publications and shall review all publications prior to printing.  
The administrative editor shall attempt to resolve disagreements pertaining to the style, content, etc. of the institutional publications that may occur between the inmate editor and the supervising editor prior to the issue reaching the Warden.

53100.4.1 Supervision of Inmate Staff  
Supervision of inmates in preparing an institution publication shall be the responsibility of the supervising editor.  
The supervising editor shall be an instructor in journalism or other qualified employee appointed by the Warden.  
The supervising editor shall participate in the planning and editing of each issue.  
The production of a satisfactory publication requires the continuing attention and effort of the supervising editor.

53100.5 Volunteer Assistance and Instruction  
Institutions shall try to obtain assistance for the inmate staff from a journalist at a nearby college/university or local newspaper.  
Inmate reporters and editors shall be provided with journalism textbooks and other instructional material.  
Where possible they shall be offered basic instruction in journalism ethics and news writing.

53100.6 Selection of Inmate Staff  
The administrative and supervising editors shall be responsible for submission of the names of recommended inmate editors and reporters to the Warden for final decision.  
Selections shall be made from interested inmates who have writing skills and an understanding of basic journalistic ethics.  
Inmates selected for these positions shall have demonstrated by prior job performance and behavior a sense of responsibility and personal maturity.

53100.7 Timekeeping  
The supervising editor shall record the work time of the inmate editor and reporters for purposes of pay and the Inmate Work Incentive Program.

53100.8 Responsibility for Content  
The Warden shall be responsible for the content of the institutional publication.

Under the direction of the Warden by the administrative editor, the supervising editor shall:  
- Have authority to select, edit, or reject articles, illustrations and layouts.  
- Work with the inmate editor to assure that journalistic standards of relevancy, accuracy, objectivity, fairness, and balance are maintained.  
- Regularly evaluate in writing the performance of the inmate editor and reporters.  
- Consistently poor performance evaluations shall be cause for removing an editor or reporter from the staff of the publication.

53100.9 Content  
Publications shall be written, illustrated and produced in accord with the highest journalistic standards.  
Relevancy, accuracy, objectivity, fairness and balance shall be required in all articles.  
Publications shall not be designed to cover events and issues outside of the institution, except for matters directly related to institution or departmental operations, such as new laws or court decisions affecting inmates.  
Articles and news stories should be relevant in the context of prison operations.  
Material written by persons not assigned to the staff of the publication is contributed material.  
Pertinent articles may be accepted from outside contributors.  
The source of all contributed material shall be included.

Reprinting of news stories and articles from other publications is discouraged, as this practice does not provide experience or training in news writing.  
When an occasional reprint may be appropriate, the source must be noted.  
No inflammatory material shall be published which might threaten institution safety or security.  
Material offensive to a race, gender, nationality, religious faith or similar group is prohibited.  
Lewd, obscene, pornographic, sexually suggestive, libelous or defamatory material, or use of profane or vulgar terminology is prohibited.  
Reports and articles shall not attack any individual or serve as a vehicle for individual inmate complaints, or as a substitute for the departmental inmate appeal procedure.

No advertising material of a commercial nature shall be printed.  
Responsible editorial comments by inmate editors and reporters may be included in institution publications.  
All such material shall carry the by-line of the author and a short editor’s note indicating that the expressed opinions are those of the author and do not necessarily represent the position of the management and staff of the institution or the department.

53100.10 Names and Photographs  
Names and photographs of inmates and rank and file employees shall not be used without their permission.  
Names of management employees may be used without permission when the manager is an official source of information or comment.  
If an employee or inmate is the frequent subject of published articles or illustrations, he or she may give a single blanket approval for subsequent publication of his or her name and picture.

53100.11 Editing Disagreements  
Disagreements may occur between the supervising editor and the inmate staff regarding the style, language, content, or layout of a particular article or edition.  
Every effort shall be made to resolve such disagreements relying on basic journalistic standards as previously defined.  
The volatility of the prison environment shall be considered in evaluating sensitive material.  
When a disagreement on content cannot be resolved, a special editing/appeal process shall be used.  
If the issue cannot be resolved, the material in question shall be submitted by the supervising editor to the administrative editor.  
He/she shall render a decision (within three working days) which may include reasonable editorial changes.  
If a mutually satisfactory solution cannot be arrived at, the material shall be forwarded to the Warden for final review, decision, or transmission to the Assistant Director, Communications.

The Assistant Director shall render a decision within three working days of review, decision, or transmission to the Assistant Director, Communications.  
The Assistant Director shall render a decision within three working days following receipt of the questioned material.  
The Assistant Director may require editing of material to conform to journalistic standards.
53100.12 Suspension and Termination

Institution publications may be temporarily suspended during lock-downs and other emergencies with the approval of the Warden. Publications may be terminated only with the approval of the Director.

53100.13 Director’s File Copy

A copy of each issue of each publication shall be sent to the Assistant Director, Communications.

53100.14 Expense and Circulation

The expense of publication shall be covered as general operating expense of the institution.

Subscription prices shall be determined with the approval of the Warden. Subscriptions from outside individuals and organizations may be accepted. Subscription prices shall be determined with the approval of the Warden. Prices shall cover only the cost of production, handling and mailing and shall not be established to return a profit. Solicitation of subscriptions is prohibited.

Exchanges or free circulation shall be limited to schools, libraries, government agencies, other prisons and organizations involved in activities related to prisons. Mailing lists shall expire and be reviewed by October 1 of each year. The supervising editor may approve the sending of single copies of the publication to individuals or groups who have performed a service to the institution. Lists of such mailings shall be subsequently forwarded to the Warden.

53100.15 Revisions

The Deputy Director, Institutions Division, shall ensure that the content of this section is accurate and current.

53100.16 References

PC § 2600.
Baily v. Loggins, 32 Cal. 3d 907.
In re Williams, 159 Cal. App. 3d 600.

ARTICLE 37 — UNASSIGNED

ARTICLE 38 — INMATE ADVISORY COMMITTEES

Effective January 2, 1990

53120.1 Policy

“Inmate Advisory Council,” hereinafter referred to as “IAC,” is a departmental term used to describe the body of inmates selected by the general inmate population of each institution to act in an advisory capacity to the Warden, and his or her administrative staff, in matters of common interest and concern to the general inmate population and administration. With the approval of the Warden, a local IAC may use a title other than IAC, providing the title adequately conveys the group’s advisory role. Examples are:

• Men’s Advisory Council (MAC).
• Women’s Advisory Council (WAC).
• Resident’s Advisory Council (RAC).

53120.2 Purpose

The IAC serves a dual purpose, both of equal importance.

• The first is to provide inmates of the institution with representation and a voice in administrative deliberations and decisions affecting the welfare and best interest of all inmates.

• The second purpose is to provide the Warden and their administrative staff a vehicle to communicate administrative actions, and the reasons for same, with general inmate population.

53120.3 Responsibility

The scope of IAC activity, as an advisory and communication resource, is limited only by the Wardens’ prerogatives in this area. The IAC and its individual members shall not be given nor attempt to assume responsibility or authority over the actions or activities of employees or other inmates. Administrative staff and IAC representatives shall not rely on personal contacts, written or verbal communications between themselves and administrative staff as a vehicle for implementing or changing institutional routines and procedures.

53120.4 Representation

IAC representation shall be limited to areas of institution operation that have a direct impact on the general inmate population or on substantial segments of the population as determined by the Warden.

IAC representation shall be provided for all ethnic segments of the general inmate population and of inmates within a designated representation area or activity. This shall be accomplished through the election of all IAC representatives by the entire inmate population or by only those inmates of each ethnic segment of the population.

All inmates to be represented and who desire to participate in the election of an IAC representative shall be given an equal voice in the choice of representatives.

53120.5 Selection

When subcommittees of the IAC are established to represent specialized segments of the inmate population participation in the election of representatives shall be limited to those inmates in the particular area or segment of the population to be represented.

Duly elected IAC representatives shall elect the temporary representative to fill a vacancy (up to one month) in IAC offices.

The election of IAC members may be by secret ballot or other democratic process. This process must be free of irregularities, coercion, duress, or reprisal in or resulting from an individual inmate’s election.

Employees and persons other than inmates may not nominate or select IAC representatives.

53120.5.1 Supervision of Selection

Employees of the institution shall supervise the election process of all IAC representatives.

When a secret ballot or other written or printed material is used, employees shall directly supervise, distribute, collect and tabulate the results.

IAC representatives shall be permitted to closely monitor the entire process. Ballots or other written or printed material used in the process shall be delivered to the Warden or to designated staff, and shall be retained for no less than 30 days for review in case of alleged irregularities.

53120.5.2 Eligibility for Nomination

Eligibility for nomination, election, and retention as a member of the Inmate Advisory Council (IAC), shall be limited only by the inmate’s ability to effectively function in that capacity. Disciplinary violations shall not bar an inmate from nomination, election to, or retention on the council unless they reflect behavior detrimental to the effectiveness of the committee.

53120.5.3 Authorization – Other Inmate Committees

Establishment of an IAC shall not preclude the Warden from establishing other inmate committees to perform special services or to act as a representative group for all inmates for special purposes and under specified conditions, as permitted in the CCR 3231.

Unless such special committees or groups of inmates are composed exclusively of IAC members, the committee or group shall not be considered as an IAC or subcommittee or branch of the IAC.

53120.6 Individual Grievances

Unless specifically authorized by the Warden, the IAC shall not function as a grievance committee nor involve itself in an individual inmate’s grievance or request for action on an appeal.

The IAC may address grievances of concern to the general inmate population and bring the matter to the attention of the Warden or other administrative staff having authority to act on the matter.

Grievances and appeals relating to individual employees shall not be discussed by the IAC or its members with other employees at less than the level of Lieutenant. A matter that may relate to the general inmate population will be the only exception.

53120.6.1 Inmate Advisory Committee Member Retaliation

IAC members are prohibited from personal confrontation or threats to take an employee’s decision or action to higher authority under the authority of the IAC.

53120.6.2 Employee Retaliation

Employees shall refrain from confrontations or threats of action simply because the inmate is a member of the IAC.

If the conduct of persons, either employees or IAC representatives, warrants the attention of higher authority, a factual report should be submitted to that proper authority.
53120.7 Communications
All formal meetings of the IAC, whether meeting alone or with staff, shall be recorded and made a permanent record of the IAC’s activity. Agenda, minutes of meetings, and other paperwork generated by IAC business shall be approved by the Warden or chief deputy Warden or designee prior to general distribution.

53120.7.1 Inter-facility Exchange of Minutes
IAC’s may correspond and exchange copies of meeting agenda and minutes by the staff member designated by the Warden as the institution’s IAC coordinator with prior approval and agreement between respective Wardens. Any such mail deemed to be a threat to the security of either institution, the safety of employees, inmates or other persons, or likely to cause dissension, disorder or violence shall be denied at the point where such determination is made.

The Warden of the sending institution shall be informed of the denial and reasons for the denial, as will the chairperson of the sending institution’s IAC.

53120.7.2 Inmate Advisory Committee Correspondence Legislation/Media
As an inmate representative group the IAC shall be permitted to correspond with members of the legislature, other elected and appointed governmental officials, and with representatives of the news media to the same extent as is permitted individual inmates under the CCR, relating to confidential correspondence.

Such correspondence by the IAC shall be confidential and subject to the same inspection as other confidential correspondence.

53120.7.3 General Population Awareness of Inmate Advisory Committee Activities
The general inmate population should be aware of all formal agenda items and the results of the IAC’s meetings with the Warden and their administrative staff. Wardens shall provide bulletin boards in conspicuous locations throughout the institution, facilities and units, accessible to the general inmate population, or space made available on such existing bulletin boards, for posting of approved informational material by the IAC.

Provision shall be made for the duplication and distribution of approved IAC informational material to the general inmate population.

Where they exist, institution publications and institution radio systems may also be utilized for this purpose, with approval of the Warden.

53120.7.4 Candidate/Member Visibility
Wardens shall make the candidates for IAC membership and IAC members highly visible and recognizable to the general inmate population and staff. This may be accomplished through the publication and posting of the names and photographs of candidates and members.

Visibility of IAC members may also be enhanced by the designing and issuing of conspicuous and highly recognizable shirts or jackets.

Institutions are encouraged to develop other ways and means to accomplish this desirable recognition of IAC members.

53120.7.5 Staff Response
Wardens and designated staff who have the delegated authority to consider and act on formal agenda items or issues shall provide the IAC with a timely written response.

The response shall clearly indicate the action taken, the reasons for the action, the manner and approximate time of implementation, or of any referral to higher authority and the reason or need for referral.

If no action will be taken, the reason for this decision shall be specified.

53120.7.6 Inmate Advisory Committee Notice of Changes to CCR
A copy of all departmental Notices of Proposed Changes in the CCR, as well as Rules Revision Bulletins announcing adopted changes in the CCR, shall be given to each institution’s IAC.

The IAC’s response to proposed changes, acting on behalf of the institution’s general inmate population, is encouraged. The IAC’s may send responses separately and directly to the department’s LAD-RMU or include their response attached to the Warden’s response to such notices and bulletins.

This does not preclude individual inmate response to such notices and bulletins.

53120.8 Departmental Directives
Wardens shall place their IAC on the institution’s local distribution list for department administrative bulletins and other department directives and announcements when such informational material concerns or is of concern to the general inmate population.

This may be by direct routing or through the institution’s IAC coordinator. In order to avoid resentment and possible confusion, staff who are concerned or affected by the information, instruction, or direction given in such material should be informed of that information as soon as or before such information is disseminated to inmates, including the IAC.

53120.9 Accommodations
Each Warden shall provide adequate facilities, equipment and supplies for the IAC to carry out its approved activities. This shall include designated IAC office(s), office furniture, typewriter and office supplies and stationery.

Provisions shall also include duplicating equipment or ready access to such service.

The IAC shall be given every reasonable assistance to carry out its approved activities, but must secure permission from proper authority on each occasion requiring institution resources not specifically assigned to the IAC office.

53120.10 Staff Involvement
The effectiveness of an IAC is primarily dependent upon recognition and demonstrated support of its authorized activities by administrative and supervisory staff.

53120.10.1 Warden
Wardens shall convey and demonstrate to all employees and the general inmate population their recognition and support for IAC functions and activities that they have personally authorized through delegated authority.

All employees and the inmate population shall be made to understand that the IAC is the Warden’s council, and as such deserves appropriate recognition and respect when it is performing as authorized.

53120.10.2 Delegation
Wardens may delegate the authority and responsibility for routine supervision and direction of IAC activity to staff members at not less than the level of Lieutenant.

An institution staff member, at not less than the level of Captain, shall be assigned the function of institution coordinator for the IAC.

53120.10.3 Captain’s Involvement
Captains shall be directly involved in the activities of the IAC within their respective program units, as is the Warden in the overall administration of the institution.

Captains may delegate specific aspects of supervision, direction, and responsibility for IAC activities within the unit to subordinate supervisory personnel assigned to the unit.

53120.10.4 Custodial Supervisory Staff
Supervisory peace officer personnel assigned as the officer-in-charge of inmate housing areas on each shift or watch shall work directly with the IAC on issues and questions that may arise during that shift or watch which can be resolved at their level of authority.

Second level supervisory staff are considered to be a critical level for success or failure of an IAC, both from the viewpoint of inmates and administration. The interest and attitude of these supervisory staff members will inevitably be reflected in the interest and attitudes of subordinate staff and inmates.

53120.10.5 Other Personnel
Other personnel, both supervisory and non-supervisory, should know and understand the purpose, function and role of the IAC.

Other personnel may be involved in IAC activities as deemed necessary by the Warden and their administrative staff in resolving issues relating to their particular area of expertise.

53120.10.6 Orientation/Training
All employees and inmates shall be trained in the objectives and operation of IACs.

The Warden may include members of the IAC in the orientation for new inmates and employees.

53120.11 Warden Meeting With Inmate Advisory Committee
Wardens are urged to personally meet with IAC representatives no less frequently than once each calendar month to discuss non-emergency issues that have not been resolved at lower level review with other staff.

Agenda items for scheduled meetings with the Warden shall be submitted at least one week in advance of the scheduled meeting, together with a summary of all IAC efforts at the lower levels of staff review.
When an effort to resolve matters at a lower level is not indicated, the Warden may defer any action on the matter pending the IAC's attempts to resolve the matter at lower levels.

Wardens and other staff who meet routinely with IAC should also submit an agenda to the IAC at least one week in advance of the scheduled meetings. IAC representatives may bring emergency issues to the attention of the Warden without pre-arrangements of a formal agenda. This may be through direct telephone contact with the Warden or through his or her office staff.

53120.11.1 Institution Coordinator

Meetings of IAC representatives with the institution's IAC coordinator shall be scheduled no less often than once each calendar month, separate and apart from the IAC's meeting with the Warden. Issues, questions, recommendations or requests resolved at this level need not be referred to the Warden except in the form of minutes of such meetings for informational purpose.

The coordinator may also require the submission of a formal agenda for such meetings. IAC representatives may bring emergency issues directly to the institution coordinator of the IAC.

It is anticipated that most meetings requested on an emergency basis shall be handled at the coordinator's level or be referred by the Warden to that level for appropriate action.

53120.11.2 Program Unit Supervisors

Meetings of IAC representatives with program unit supervisors shall be scheduled as needed.

A formal agenda is optional at such meetings.

A written summary of subject matter discussed and of decisions and actions shall be made a matter of record and distributed as is indicated for formal agenda and the minutes of meetings.

At the Captain's level, an open-door policy is most desirable in terms of the IAC having timely access to administrative staff.

53120.11.3 Custodial Supervisory Staff

Meetings of IAC representatives with supervisory custodial personnel shall normally be unstructured, informal, and without a need for agenda, minutes, or written summary except to refer subject matter to a higher authority, or when supervisory personnel are assigned to act for or on behalf of the Captain.

53120.11.4 Other Staff

Meetings of IAC representatives with other staff may be arranged on an as-needed or on a regular basis to resolve issues and questions relating to specific institutional areas and activities, such as canteen, food services, recreation, work, training, and medical services.

This may also be accomplished through standing subcommittees of the IAC established for a particular purpose.

53120.11.5 Non-supervisory Personnel

The IAC, its officers and individual members, shall not attempt to transact IAC business with non-supervisory personnel who do not have the authority to act on issues or questions of concern to the IAC, nor will IAC members attempt to force or enforce higher level staff decisions on employees.

If the actions of an employee appear wrong, the employee's supervisor shall correct the situation. The IAC should be encouraged to bring the matter to the attention of supervisory and administrative staff if the concern is one of genuine interest to the general inmate population.

53120.11.6 Director's Staff

Meetings of the IAC with the Director's staff may be held with individual IACs at the institution where the IAC operates, at regional meetings where selected IAC representatives from several institutions are brought, or on a statewide basis at one location.

Such meetings will be scheduled at the discretion of the Director.

53120.12 Inmate Advisory Committee Appeals

Formal appeal procedures may be utilized by an IAC on any decision or action, when the matter is not resolved through normal IAC communication channels with the Warden. Wardens' staff and IACs are urged to consider every reasonable means to resolve issues at the lowest possible level before utilizing the appeals process. No reprisal at any level or in any form will be tolerated against an IAC or its members for performance of authorized and approved actions and activities.

Misbehavior while conducting IAC business, or under the guise of IAC business, shall be cause for disciplinary or other corrective action. The routine process of the IAC's referral of issues, and requests, to the level of authority required for an action, is not an appeal process.

53120.13 Suspension

The Warden may suspend the membership of any individual IAC member or the activities of the IAC when there is reason to believe the individual's actions or those of the IAC presents a threat to institutional security, the safety of persons, or is counterproductive to the best interests and welfare of the general inmate population.

When suspension of IAC activities is contemplated, the Warden shall immediately notify the office of the Director of the reason for such contemplated action.

A written report shall follow if the IAC is suspended.

The Warden shall also notify the general inmate population of the action and the reason for it.

At the discretion of the Director or upon request by the Warden, the Director may assign departmental staff to investigate the matter and report their findings to the Director and to the Warden concerned.

Every effort will be made to reactivate an inmate IAC in the shortest time possible, commensurate with institution security and safety.

53120.14 Privileges

Wardens are encouraged to grant such privileges to the IAC as may be seen as fair and justified by staff and the general inmate population. This may include but is not limited to:

- Establishing IAC chair or vice chairperson as full-time assignments, as provided in the CCR, 3043.5(a)(1). Only two such assignments shall be authorized at each department facility.

53120.15 Organization

In general practice, the IAC should consist of two major organizational units.

- A general council with the number of members dependent upon the number of inmates, areas or activities to the represented.
- An executive committee with the membership elected by the members of the general council.

The number of executive committee members is at the discretion of the Warden and dependent upon the number that can effectively participate in executive sessions with the Warden.

In addition to these two major organizational units, there may be subcommittees selected to deal with special areas of concern.

Institutions with subordinate facilities, such as reception centers, north, south facilities, etc., may establish separate IACs for these facilities.

53120.16 Constitution and By-Laws

The Warden shall require that the IAC be governed in its operation by a constitution and by-laws prepared by the inmate group with the advice and guidance of a designated staff member. Such constitutions and by-laws shall be in compliance with existing rules, regulations, and procedures approved by the Director. The constitution and by-laws shall be approved by the Warden.

The following is the format for constitutions and by-laws for Inmate Advisory Councils.

- Article 1 – Name.
- Article 2 – Objectives. This article should contain a clear statement to the effect that the council serves in an advisory capacity to the Warden and that no administrative responsibilities are implied or to be assumed.
- Article 3 – Membership. A brief statement of eligibility for membership, ensuring all inmates the right to vote and defining those who may be elected to membership on the council.
- Article 4 – Officers. A listing of the officers of the council, normally a chairman, vice-chairman, secretary and sergeant-at-arms. A statement regarding the term of office of elected officers of the council, and the frequency of elections.
- By-laws.
- Section 1 – Membership. A statement describing the areas or units represented by members of the council. Generally this provides for representation of the various housing units within the institution, but may include the selected representatives from various work assignments.
Section 2 – Nominations. Provides a system of nomination for selection to the inmate council.

Section 3 – Election. A description of the election process, which may include secret ballots and supervision of the elections by free personnel.

Section 4 – Method of Filling Vacancies. Describes method for handling vacancies created by transfer, release, removal, recall or election to an elective office on the council.

Section 5 – Duties of Officer. Statement of the duties of each officer.

Section 6 – Meetings. Statement of the time, place and frequency of meetings.

Section 7 – Committees. A listing of the standing committees of the council plus provision for special committees as the need exists.

Section 8 – Parliamentary Authority. A general provision that Robert’s Rules of Order shall be the authority for parliamentary procedures.

Section 9 – Executive Committee. To provide for an executive committee of the council ordinarily consisting of the selected officers and two or more elected members from the council.

Section 10 – Activity Cards. Provision may be made to issue special activity cards to members of the council for their use in conducting business of the council.

Section 11 – Removal of Members. Provisions shall be made to remove members through recall by their constituents or by administrative order.

Section 12 – Amendments. General provision for a method to make amendments to the by-laws.

53120.17 Revisions
The Deputy Director, Institutions Division, or designee shall ensure that the contents of this section are current.

53120.18 References
PC § 5055.
CCR (15)(3) §§ 3043.5(a)(1) and 3231.

ARTICLE 39 — IW/TIP

53130.1 Policy
California law provides that all persons sentenced to prison under PC § 1170 shall serve the entire sentence imposed by the court, except for a credit reduction in time served in the custody of the Secretary of the Department of Corrections and Rehabilitation (CDCR) for performance in credit qualifying work, training or educational programs, or other program activity. Every inmate shall have a reasonable opportunity to participate in a full-time credit qualifying assignment, consistent with institutional security and available resources.

53130.2 Purpose
This procedure defines criteria, staff/inmate responsibilities, and instructional information necessary for implementation of the departmental IW/TIP as provided for in PC §§ 2933 and 2934. Each Warden and RPA shall ensure administration of the Department’s inmate work/training programs in accordance with these standards and procedures.

53130.3 Eligibility Criteria
Work-time credits are a privilege, not a right. Credits must be earned by inmates through satisfactory performance in a credit qualifying work, education or training assignment. Eligibility to earn day-for-day credits shall be determined by the type of crime committed and the specific date on which the commitment offense occurred.

53130.3.1 Inmates Serving Life Terms

Exceptions
Inmates serving sentences of 25 years to life, 15 years to life, or life with possibility of parole are not eligible for work-time credits under PC § 2933, except for those life inmates sentenced under the following PC sections:

• PC § 191.5(d).
• PC § 217.1(b).
• PC § 667.51(d).

• PC § 667.7(a)(1).
• PC § 667.75.

The above life term cases are eligible to earn PC § 2933 credits toward reduction of their minimum eligible parole dates.

Life Terms with Enhancements or Consecutive Sentences
Inmates sentenced to life terms, who also have determinate sentence law (DSL) enhancements imposed on the life term, or who have consecutive DSL terms to serve with a life term, may be eligible to receive PC § 2933 credits on the DSL enhancements and/or the consecutive DSL term(s). (Refer to DOM § 73030.19, Case Records.)

53130.3.2 Crimes Committed on or After 1-1-83
Inmates sentenced to prison on non-life terms, whose crimes were committed on or after 1-1-83, shall automatically be eligible to receive day-for-day credits under the provisions of PC § 2933.

53130.3.3 Crimes Committed Before 1-1-83
Inmates sentenced to prison on non-life terms, whose crimes were committed prior to 1-1-83, may elect to receive credits pursuant to PC § 2933. Inmates in this category shall be afforded the opportunity to waive their rights to receive credit reduction on their sentences under PC § 2931 (one day credit for two days served) and become eligible to receive credits pursuant to PC § 2933 (one day credit for one day served).

• Eligible life cases described in DOM § 53130.3.1 shall require a waiver on crimes committed prior to 1-1-83.

53130.4 Time Credit Waiver
Pursuant to PC § 2934, eligible inmates may apply in writing, using CDC Form 916 (7/88), Time Credit Waiver, to receive work-time credits provided in PC § 2933. The following conditions shall apply prior to a waiver being effective and accepted by the Department:

Conditions for Acceptance of Time Credit Waiver

• Assignment to, and performing in, a full-time credit qualifying program.
• A waiver shall not be accepted from inmates who are within 30 days of their release dates or if the waiver is to be retroactive and recomputation of sentence credits would make the inmate overdue for release.
• Upon assignment to a credit qualifying full-time program, the inmate shall present a waiver form to their counselor/caseworker for verification of the program. The counselor/caseworker shall witness the form and enter the date upon which the waiver is effective. The counselor shall forward the waiver to records for inclusion in the inmate’s C-File.
• When it is substantiated by staff that an inmate was not provided an opportunity to exercise a waiver, the waiver shall be effective the date the inmate would otherwise have been eligible because of performance in a full-time credit qualifying program.
• Accepted waivers shall be irrevocable.
• All credit attributable to that portion of an inmate’s sentence served prior to the effective date of the waiver shall be retained by the inmate, except credit that was forfeited for any disciplinary violation. (Refer to DOM §§ 73030.8.11 and 73030.8.2 for additional details.)

53130.5 Work/Training Groups
Inmates subject to the provisions of PC § 2933 shall earn credits in accordance with their work/training group designation as determined by classification committee action. The following eight work/training group designations shall be utilized by the Department:

• Group F: Full-time conservation camp work assignment.
  • Two days credit for each day of qualifying performance (two-for-one).
• Group A-1: Full-time work/training assignment.
  • One day credit for each day assigned to this work group (day-for-day).
• Group A-2: Voluntarily unassigned.
  • One day credit for each two days served, or three months credit for each six months served.
• Group B: Half-time work/training assignment.
  • Credit earning; same as provided in A-2 above.
• Group C: Voluntarily unassigned.
  • Zero credit earning.
Group D-1: Indeterminate lockup status.
- One day credit for each two days served, or three months credit for each six months served.

Group D-2: Serving SHU term with disciplinary credit loss, or voluntarily unassigned in Administrative Segregation Unit (ASU), SHU or PSU.
- Zero credit earning.
- Group U: Unclassified (process cases).
- One day credit for each two days served, or three months credit for each six months served.

53130.5.1 Work Group Criteria and Definitions
Assignments and reassignments of inmates to work/training incentive groups shall be effected by classification committee action. Full-time assignments shall normally require eight hours of participation per day, five days per week exclusive of meals. Half-time assignments, four hours of participation per day, five days per week exclusive of meals.

Full-Time Assignments (Group A-1)
- 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., ten 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 ten 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 C-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.

- The following assignments and combination assignments shall be considered as credit qualifying full-time programs:
  - Full-time education and training program. Elementary school, high school, and vocational training programs require the same minimum hourly participation as the full-time work assignment.
  - 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.
  - A full-time college program may be combined with a half-time work or vocational training program to achieve a full-time assignment. The college program shall consist of 12 units in credit courses leading to an associate degree in two years or a bachelor’s degree in four years.
  - A full-time Bridging Education Program (BEP) requiring the same minimum participation as a regular full-time assignment. Participation will be evaluated on course curriculum, instructor evaluation, and completed assignments.
  - 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.
  - An inmate 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 or classification committee action.

Involuntarily Unassigned (Group A-2)
- An inmate willing but unable to perform in a full-time assignment.
- An inmate placed on a waiting list pending availability of a full-time assignment.
- An inmate unassigned by classification committee action awaiting an adverse transfer to another institution.

Half-Time Assignments (Group B)
- The work day shall be no less than three hours and the work week no less than 15 hours.
- Full-time enrollment in college consisting of 12 units in credit courses leading to an associate or bachelor’s degree shall be classified as a half-time assignment.
- A work/training assignment of four hours per workday, excluding meals, five-days per-week.

Voluntarily Unassigned (Group C)
- An inmate who refuses to accept or perform in work/training assignment, or who is deemed a program failure as defined in CCR § 3000 and who is placed on non-credit earning status by a classification committee.
- An inmate shall remain in this status until reclassified for placement in a credit qualifying work/training assignment (A-1 or B), or placed on an assignment waiting list (A-2).
- 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.
- An inmate shall be scheduled for a hearing within 30 days of receipt of a written request.

Indeterminate Lockup Status (Group D-1)
- An inmate assigned to a segregated housing program.
- ASU, SHU, or PSU.
- Inmates placed in assignments by classification committee action while in this status shall be placed in the appropriate work/training group, consistent with their assignment.

Determinate Lockup Status (Group D-2)
- 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 CCR § 3323(c), 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.
- 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.
- An inmate in ASU, SHU or PSU, on indeterminate or determinate lockup status, who is deemed a program failure as defined in CCR § 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 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 workgroup 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 CCR § 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 CCR § 3044(b)(7)(A) or 3044(b)(7)(B), a classification hearing shall be scheduled within 30 days of receipt of the written request to consider removal from work group D-2.

Unclassified (Group U)
- An inmate undergoing reception center processing.
- An inmate shall remain in this status from the date of reception until classified at their assigned institution unless he/she is assigned to a full-time BEP.
53130.5.2 Case Records Responsibilities
Case records staff shall be responsible to process and calculate time credits and release dates of inmates subject to the provisions of PC § 2933 through information provided by the courts, classification committees and program staff. (Refer to DOM § 73030, Time Computations.)

53130.6 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 of the CDCR, 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. Privileges shall be governed by the following conditions:

- To qualify for privileges generally granted by this Section, an inmate shall comply with rules and procedures and participate in assigned work/training activities.
- 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 CCR §§ 3314 and 3315 or by classification committee action which changes the inmate’s custody classification, work/training group, privilege group, or institution placement.
- 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.
- A permanent change of an inmate’s privilege group shall only be made by a classification committee action under provisions of CCR § 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.
- 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.

53130.6.1 Privilege Group Criteria

Five privilege groups have been established which provide a graduated system of incentives to promote a desire to achieve positive goals. Criteria for assignment to a specific privilege group shall be as follows:

- Group A.
  - Assignment to a full-time credit qualifying work/training program.
  - Diagnosed by a physician and/or psychiatrist as totally disabled and incapable of performing a work/training assignment.
  - Diagnosed by a physician and/or psychiatrist as partially disabled and assigned to a work/training program within the mental or physical capabilities of the partial disablement as determined by medical staff.
- Group B.
  - Assignment to a half-time work/training program.
  - Involuntarily unassigned.
  - Temporarily placed into the group by a hearing official as a disposition pursuant to CCR § 3314 or 3315.
- Group C.
  - Inmates who refuse to accept or perform in a work/training assignment or are deemed a program failure as defined in CCR § 3000.
  - Temporarily placed into the group by a hearing official as a disposition pursuant to CCR § 3314 or 3315.
  - A classification committee action pursuant to CCR § 3375 places the inmate into the group. An inmate placed into this group by a classification committee action may apply to be removed from privilege group C 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 classification hearing shall be scheduled within 30 days of receipt of the written request.
- Group D.
  - Inmates in special housing units, voluntarily or under the provisions of CCR §§ 3335-3345 who are not assigned to either a full-time or half-time work/training program.
- Group U.
  - Reception center inmates undergoing processing.

53130.6.2 Group Privileges and Restrictions

Privileges for Group A are as follows:

- Family visits limited only by the institution/facility resources, security policy, CCR § 3177, or other law.
- 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 DOM § 53130.7.1.
- Maximum monthly canteen draw as authorized by the Secretary of the CDCR.
- Telephone access during the inmate’s non-work/training hours, limited only by institution/facility telephone capabilities.
- Access to yard, recreation and entertainment activities during the inmate’s non-working/training hours and limited only by security needs.
- Excused time off as described in DOM § 53130.7.
- The receipt of four personal property packages, 30 pounds maximum weight each, per year; exclusive of special canteen purchases.
- Special canteen purchases as provided for by DOM § 54070.

Privileges for Group B are as follows:

- One family visit each six months, unless limited by the provisions of CCR § 3177(b), or other law.
- 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 DOM § 53130.7.1.
- One-half of the maximum monthly canteen draw as authorized by the Secretary of the CDCR.
- One personal telephone access period per month.
• Access to yard, recreation, and entertainment activities during the inmate’s non-working/training hours and limited only by institution/facility security needs.

• Excused time off as described in DOM § 53130.7.

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

• Special canteen purchases as provided for by DOM § 54070.

Privileges for Group C are as follows:

• No family visits.

• One-fourth the maximum monthly canteen draw as authorized by the Secretary of the CDCR.

• Telephone calls on an emergency basis only as determined by institution/facility staff.

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

• No personal property packages.

• No special canteen purchases.

Privileges for Group D are as follows:

• No family visits.

• One-fourth the maximum monthly canteen draw as authorized by the Secretary of the CDCR.

• Telephone calls on an emergency basis only as determined by institution/facility staff.

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

• The receipt of one personal property package, not to exceed 30 pounds maximum weight, per year, exclusive of special purchases as provided in CCR § 3190. Inmates shall be eligible to acquire a personal property package after completion of one year of Privilege Group D assignment.

• One special canteen purchase of one television or one radio or one radio/TV combination unit.

Privileges for Group U are as follows:

• No family visits.

• Canteen purchases. One-half of the maximum monthly canteen draw as authorized by the Secretary of the CDCR.

• Telephone calls on an emergency basis only as determined by institution/facility staff.

• Yard access, recreation, and entertainment limited by local institution/facility security needs.

• Excused time off as described in DOM § 53130.7.

• No special canteen purchases.

• No personal property packages.

53130.6.2.1 Changing Privilege Groups

Revised December 14, 2012

Permanent changes of inmate privilege groups shall be made by classification committee action.

Reduction/Suspension of Privilege

Privileges may be temporarily suspended or reduced by either classification committee action or as part of a disciplinary disposition as described in DOM § 53130.6.

53130.7 Excused Time Off

Revised October 14, 2009

Excused Time Off (ETO) shall be authorized by the work supervisor/employer. Inmates assigned to work/training groups A-1 and B may use ETO during approved absences from their assigned work/training assignment.

53130.7.1 Use of ETO

Revised September 25, 2007

ETO must be approved by the work/training supervisor and may be denied based on institutional operational needs or security. Departmentally approved activities for which ETO may be approved by work/training supervisors shall be limited to the following:

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

• Regular visiting under extraordinary circumstances. Following are extraordinary circumstances for which use of ETO is authorized:
  - Out-of-State visitors. Upon substantiation that the visitor(s) resides out of State, a distance greater than 249 miles, and is in California for a temporary stay of 30 days or less, and the visitor(s) has not visited with the particular inmate for four months. No more than two such visits shall be permitted for each such occurrence.
  - Excessive distance. When a visitor must travel a distance of 250 miles or more, and has not visited the inmate within the last 30 days.
  - Weddings. When an inmate marries, the inmate may, with five working days prior approval, use ETO for a visit on the wedding day.
  - Handicapped. When a visitor is handicapped as defined by California law and must rely on special transportation to the institution. Approval is required five working days prior to the visit.
  - Family emergencies. When death, serious illness, or injury occurs to an inmate’s immediate family member as defined in section 3000 of the Title 15; clergymen, family members including registered domestic partners, or close friends may visit the inmate to offer condolences or inform the inmate of the occurrence.
  - Infrequent visits. When a visitor unexpectedly arrives who has not visited in the last six months. Infrequent means not more than one visit each six months.
  - Visiting during authorized absence. An inmate shall be permitted to visit using ETO during approved periods away from assignment involving circumstances beyond the inmate’s control. (Refer to DOM § 53130.8.)
  - Work assignment conflicts. When the inmate has not received a visit in the last 30 days and would otherwise be prohibited from visiting because of a conflict in work, training, or education assignment.
  - Temporary community leave.
  - Attendance at approved religious services or approved religious functions. For routine religious services, the use of ETO shall be limited to instances where it is not possible to change the conflicting work/education assignment.
  - Non-routine recreation and entertainment activities.
  - Emergency telephone access.
  - Medical lay-in status.
  - Short term medically unassigned status for 29 days or less.

Usage Limits and Recording

ETO shall be authorized by the work supervisor/employer in no less than 15 minute increments. An inmate shall not be required to use ETO for any service that the Department requires.

• Inmates shall not receive pay while on ETO.

• Use of ETO hours shall be recorded by work supervisors on the daily inmate timekeeping log.

• Use of ETO for any other reason than outlined above shall require approval by the Secretary of the CDCR.

53130.8 “S” Time

“S” time (security time off) shall be noted on timekeeping documents for an authorized absence from an inmate’s work/training assignment that is required by the prison administration and/or beyond the inmate’s control. Inmates shall receive sentence-reducing credit commensurate with their designated work group. Inmates removed from their work/training assignment for an authorized reason shall retain their existing work/training group status unless otherwise impacted by a classification committee or disciplinary action.

53130.8.1 Authorized Use of “S” Time

Revised September 25, 2007

“S” time shall be authorized for the following reasons:

• Institutional lockdown.
• Emergency recall.
• Attorney visits.
• Fog or inclement weather conditions.
• Work/training supervisor’s absence when no relief supervisor is provided.
• Removed to out-to-court status.
• Three working days prior to transfer to another institution.
• Ten working days prior to parole or discharge, including institution base camps.
• Conservation camp inmates shall receive 15 days “S” time prior to release.
• Thirty working days prior to parole or discharge on California inmates serving their terms in other jurisdictions.
• Appearances at classification hearings or casework interviews which cannot reasonably be conducted during the inmate’s off duty hours.
• Staff interviews with an inmate regarding a death notice or emergency involving a member of the inmate’s immediate family as defined in Section 3000 of the Title 15.
• Emergency or life threatening medical or dental treatment.
• Temporary interruption/delay in the inmate’s work/training assignment through no fault of the inmate.
• Medical consultant appointments with other than state employees.
• M-2 job development and/or initial M-2 screening interview.
• Board of Parole Hearings (BPH) hearings.
• Interviews with representatives of other governmental agencies.
• Delay in reporting to work/training assignment because of delayed meal schedule, unlocks, and clearing of the institutional count.
• Interview for staff preparation of a PC § 1170(d) report to the court.
• Temporary leave processing for a family emergency.
• A serious disciplinary hearing if overtime would be required for a staff witness to attend the hearing.

All other institution services and/or circumstances requiring an inmate’s presence or participation shall be scheduled or conducted on the inmate’s off-duty hours.

The granting of “S” time for reasons other than listed in this Section shall require approval by the Secretary of the CDCR or their designee.

53130.8.2 Priority Ducat System

The counseling series and medical department shall be permitted to ducat inmates for casework services or medical treatment during their assigned work hours under the following conditions:

Casework Purposes

• The counseling series shall be authorized to use the regular institutional pass (ducat) system for routine casework contacts. When it is necessary to make casework contacts during an inmate’s work hours, a “priority ducat request” shall be initiated including only those inmates who will be on scheduled work assignments. This shall be done separately from any normal ducat request and the priority request shall require either the approval of the chairperson of a properly constituted classification committee or the approval of the originator’s immediate supervisor.

• Based on a properly approved “priority ducat request” a pass shall be issued which shall be clearly identified in one of two ways. The pass shall either be printed on different color paper clearly distinguishing it as a priority ducat or the word “priority” shall be clearly stamped or printed on the ducat in bold red letters. At the termination of the contact with the inmate, the arrival time and departure time shall be recorded on the back of the pass. This shall be returned by the inmate to their work supervisor for purposes of timekeeping and inmate accountability. Inmates off the job for properly approved casework contacts shall be given “S” time by their work supervisors upon receipt of a properly authorized priority ducat with the arrival and departure times recorded on the reverse side, signed or initialed by the recording employee.

Health Care Services

• All health care appointments, medical, dental and mental health shall be via the priority ducat process.

• At the termination of the medical contact, the inmate’s arrival and departure time shall be recorded on the back of the pass. The pass shall be returned by the inmate to the work supervisor to facilitate accountability and timekeeping by the work supervisor. “S” time shall be recorded by the work supervisor for the time spent away from the work/training assignment under these circumstances.
specific applications or procedures regarding credit earning eligibility. The following assignments/categories shall be determined special assignments:

**Inmate Councils**
- The chairperson and vice chairperson of an institution/facility Inmate’s Advisory Council shall be considered a credit qualifying full-time assignment (work/training group A-1).

**Pre-release Program**
- Inmates assigned to a full-time institution/facility pre-release program shall retain full credit earning status (work/training group A-1).

**Bridging Education Program**
- Assignment to an approved BEP as described in DOM § 53130.5.1 shall qualify as a full-time assignment in work group A-1.

**Transfer/Pre-parole/Discharge Status**
Prior to a regular transfer, parole, or discharge, inmates shall be reassigned to checkout status and awarded credit in the following manner:
- Transfer. Three days “S” time prior to transfer.
- Discharge. Ten days “S” time prior to discharge.
- Parole. Ten days “S” time prior to parole.

**Conservation Camps**
Inmates assigned to a camp, except conservation center base camps, shall receive 15 days “S” time prior to parole or discharge.

53130.9.2.1 Medical/Psychiatric Special Assignments
Medical/psychiatric categories to be considered as special assignments are as follows:
- Light duty.
- Short-term medical/psychiatric or dental unassignments/lay-ins.
- Long-term medical/psychiatric unassigned cases.
- Temporary medical/psychiatric unassignment.
- Medically disabled.
- On-the-job injuries.
- Inpatient hospitalization cases.
- Medical/psychiatric treatment category cases; “H,” “N,” and “I.”
- DMH placements per PC §§ 2684, 2690, and 1364.

53130.9.2.2 Credit Earning/Work Group Criteria
The credit earning status and work group designations for the above listed special assignments shall be determined by the following:

**Light Duty Assignments**
Inmates determined to have long-term medical/psychiatric work limitations shall be processed in the following manner:
- The inmate shall receive a medical/psychiatric evaluation to determine the extent of the disability and to delineate the capacity to perform work and/or training programs for either a full or partial workday. If the inmate is deemed capable of working only a partial work program, full credit shall be awarded for participation in such a program.
- The medical/psychiatric evaluation shall be reviewed by a classification committee.
- If the classification committee concurs with the light duty recommendation, the case shall be referred to the institution assignment officer. The assignment officer shall make an effort to provide an assignment which is within the institution’s resources and the inmate’s capabilities. Upon placement in the assignment, the inmate shall be reclassified into work/training group A-1. Such cases shall be scheduled for semi-annual review by medical staff and a unit classification committee.
- If the classification committee disagrees with the medical program recommendation, the case shall be returned to the medical department with a CDC 128-G describing the difference of opinion or the rationale for the request for the second medical evaluation. Upon receipt of the second medical evaluation, the unit classification committee shall again review the case. If the committee disagrees with the second medical evaluation, it shall refer the matter to the institution classification committee for final determination of the inmate’s work group/credit earning status.

**Short-Term Medical/Psychiatric/Dental Unassignments or Lay-Ins**
Inmates who are sick and require medical/psychiatric lay-in or a medical unassignment for 29 days or less shall retain their existing work group and utilize ETO during the authorized absent period. Sick time must be approved/authorized by the appropriate institution medical authority.

**On-The-Job Injuries**
On-the-job injuries shall be documented on CDCR Form 7219 by the CMO. With the exception of inmates assigned to work group F, inmates shall be retained in their existing work group until medically approved to return to work. Work group F inmates shall revert to work group A-1 effective on the
date the CMO determines the on-the-job injury excludes the inmate from conservation camp placement providing that the CMO’s exclusion determination is within 29 days following the date of the inmate’s removal from conservation camp assignment. If the CMO’s exclusion determination is not within the 29 days, the inmate shall revert to work group A-1 effective the thirtieth day following the date of the inmate’s removal from conservation camp assignment.

**Medical/Psychiatric Inpatient Hospitalization**

Inmates determined to be in need of short-term (29 calendar days or less) inpatient care shall be retained in their existing credit earning category. In the event that a longer period of inpatient care is required, the attending physician/psychiatrist shall prepare a CDC Form 128-C for referral to a unit classification committee. The classification committee shall confirm the inmate’s unassigned category and change the inmate’s work/training group status as follows:

- **Inmates in the general population shall be changed to work/training group A-2, involuntarily unassigned, to be effective the thirtieth day of unassignment.**
- **Inmates in lockup units who are in work/training group A-1 or B shall be changed to work/training group D-1, to be effective the first day of placement into Administrative Segregation.**
- **Inmates in lockup units who are in work/training group D-1 or D-2 shall be retained in their respective D-1 or D-2 work/training group.**

**Medical/Psychiatric Treatment Categories**

Inmates who are assigned into the below list of medical/psychiatric treatment categories or transferred to a state hospital, unless otherwise specified, shall be deemed incapable of performing a work/training assignment. Inmates so designated shall be classified as work/training group A-1.

**Category H**

For inmates who require medical services and/or surgical care in an acute general hospital. This category is provided at CMF, CIM, COR, and CMC-East. Inmates with medical needs that cannot be met in CDCR hospitals may be transferred to a community hospital with the Warden’s approval.

**Category N**

For inmates with chronic medical illnesses requiring skilled nursing or intermediate level medical care. This program has licensed nursing staff on duty at all times and is provided at CMF, CMC-East, and CCWF. Female inmates requiring this level of service shall be transferred to a community hospital unless special arrangements can be made at the CIW’s infirmary. This category is not for inmates in infirmaries for undergoing short-term treatment of minor illnesses.

**Category I**

For inmates with major mental illness of psychotic magnitude requiring inpatient psychiatric hospitalization such as those with an acute, recurrent, or chronic illness which requires intensive treatment. This category includes inmates who are determined to be:

- Acutely psychotic, severely depressed or suicidal.
- Mentally ill inmates who are management problems, providing the psychosis warrants treatment in a hospital setting.

Category I is provided at CMF and the Salinas Valley Psychiatric Program (SVPP) at SVSP and this designation shall be made by CMF or SVSP staff. Other institutions with inmates who appear to meet category I criteria shall transfer such cases to CMF or the SVPP for inpatient psychiatric observation pending category classification.

Females requiring treatment in this category shall be referred to a state hospital.

**DMH**

The DMH also provides inpatient services for inmates who may be transferred from any CDCR adult institution pursuant to PC §§ 2684 and 2690. Inmates transferred to DMH and retained under the jurisdiction of the Department per PC §§ 2684 and 2690 shall be deemed incapable of performing a work/training assignment. Inmates so designated shall be classified as work/training group A-1.

**Experimental Treatment**

Inmates transferred to DMH to participate in a voluntary experimental treatment program per PC § 1364 shall be required to participate in a full-time credit qualifying work/training assignment in order to earn full work-time credit.

For details concerning specifics of DMH psychiatric placements, refer to DOM § 53130.12.
following processes shall occur:

Work/training supervisors shall review the DMS daily to determine if any of the inmates placed on working days prior to departure. If notification of transfer is sent, a list of transfers scheduled for the following week shall be issued by the supervisor. The list shall indicate the inmate's name, number, and number on the daily movement sheet (DMS) indicating prerelease checkout status 10 working days prior to release. Inmates transferred shall be governed and processed by the following criteria:

Forwarding Timekeeping Logs

Upon completion of the work month, reassignment, or notification of pending transfer, the work/training supervisor shall immediately forward the completed timekeeping log to his or her immediate supervisor who shall audit and sign the timekeeping log. Timekeeping logs that have not been completed as outlined in this article and/or are missing information, shall be returned to the work/training supervisor for correction.

Pre-release Checkout Status

Case records staff audit an inmate’s release date at least 9 months, 45 days, and 10 days prior to the scheduled release. If the projected release date is changed, the inmate and the inmate’s counselor shall be notified. The records office staff shall notify the assignment lieutenant of the names of inmates who are scheduled for release. The assignment lieutenant shall publish the inmate’s name and number on the daily movement sheet (DMS) indicating prerelease checkout status 10 working days prior to release. The inmate’s classification, work/training assignment, or facility placement, the classification committee shall classify the inmate’s work-time, credit-earning status, release date, and the length of time they have already spent on the receiving facility’s waiting list. The inmate’s classification score; to the same level of facility due to overcrowding, special skills, or special program assignments.

With the exception of inmates assigned to work group F, an inmate transferred for non-adverse reasons shall retain their work/training and privilege group status. Work group F inmates shall revert to work group A-1 effective the date removed from camp assignment.

Inmates in vocational/training programs at the sending facilities shall be assigned same or similar programs, if eligible, at the receiving facilities unless such programs are full or unavailable. If the receiving facility’s program is full or unavailable, the inmate shall be placed on any existing waiting list. If eligible, inmates on waiting lists at the sending facilities shall be merged into the receiving facility’s waiting lists based on credit earning status, release date, and the length of time they have already spent on the sending facilities waiting list. Inmates who are PC § 2933 day-for-day credit eligible, shall be given priority for assignment.

Inmates shall be merged into the receiving institution’s waiting list in the following manner:

First, those inmates who are day-for-day credit eligible, approved for the program and are not assigned work group A-2. Inmates eligible to earn credits per PC § 2933 shall be given priority for placement on waiting lists, with the inmate with the earliest release date given first priority.

Second, those inmates who are day-for-day credit eligible and already designated work group A-1. Inmates eligible to earn credits per PC § 2933 shall be given next priority for placement on waiting lists and the inmate with the earliest release date shall be given first priority.

Third, those inmates who are not PC § 2933 day-for-day credit eligible and are already designated work group A-1. Inmates will be placed on waiting lists based upon the work group effective date.

Fourth, those inmates who are not PC § 2933 day-for-day credit eligible and are not assigned work group A-2. Inmates will be placed on waiting lists based upon the work group effective date.

Adverse Transfers

Inmates in a work/training group A-1 or F who are transferred as a result of an adverse classification action, shall be reclassified to involuntarily unassigned status and placed in work/training group A-2 by the sending institution to be effective the date of transfer. The inmate shall remain in group A-2 until reclassified. An inmate in group A-2, C, or D at the time of transfer shall be retained in that group pending receiving institution classification.

Special Housing Unit Transfers

Inmates found guilty of a credit loss offense that may result in a determinate term of SHU confinement shall be evaluated for SHU placement by an institutional classification committee (ICC). If the committee concludes that SHU placement is required, it shall establish a MERD. The committee shall reclassify the inmate to credit earning group D-2 (zero credit) effective the date of placement in lockup status and shall retain the inmate in AD-SEG until transfer to an appropriate institution.

DMH Transfers

Inmates transferred to the DMH, and retained under jurisdiction of the Department, shall be classified prior to actual transfer by the sending institution. The transfer chrono, CDC Form 128-G, shall reflect the reasons for the transfer and any change in the inmate’s credit earning group. (Refer to DOM § 53010.9.2.2 for details on credit earning for DMH transfers.)

The hub institution shall maintain the inmate’s records and apply appropriate time credits.

Re-entry Transfers

Inmates who are accepted for a work furlough/re-entry program will be transferred as a non-adverse transfer and they shall retain their current work/training group status while en route.
53130.12 Denial/Forfeiture/Restoration of Credits

The terms denial/forfeiture and restoration of credits shall be defined as follows:

- **Denial**
  - Refers to an inmate’s inability to earn credits as a result of the inmate’s own actions as follows:
    - Failure or refusal to perform assigned, ordered, or directed work or program activities.
    - Unauthorized absences from assignment.
    - While serving a SHU term wherein a disciplinary credit loss is imposed, but not to exceed the number of days of credit forfeited.

Credits shall be denied inmates who are serving SHU terms resulting from disciplinary action and concurrent credit loss. No credit shall be earned for the same period of the credit loss. This non-earning period shall commence effective the date of lockup. The period may be extended by a classification committee in six-month increments when it is determined that a substantial risk exists to the safety of persons or the security of the institution. For those inmates remaining under PC § 2931, the non-earning period applies to participation credit.

- **Forfeiture**
  - Refers to a removal of credits through disciplinary action that an inmate has earned or is projected to earn in the future.

- **Restoration**
  - Refers to a return or reinstatement of forfeited credit through classification committee action or through the inmate appeal system.

53130.12.1 Credit Forfeiture Procedure

Forfeiture of credit shall be governed by the provisions contained in CCR § 3323, Disciplinary Credit Loss Schedule, and PC §§ 2932 and 2933.

Appropriate credits shall be forfeited as part of the disposition following a finding of guilty for a serious rule violation.

Classification Committee Review

Disciplinary cases resulting in a loss of credit shall be reviewed by a classification committee which shall determine the appropriateness of the credit forfeiture and any program/housing changes required as a result of the rule infraction circumstances. The results of the committee action shall be forwarded to the records office for recalculation of the inmate’s release date.

53130.12.2 Restoration of Credit Procedure

Credits forfeited for disciplinary offenses on or after 1-1-83 shall be considered for restoration, subject to limitations outlined in PC §§ 2931 through 2933.

Non-Restorable Credits

Credit shall not be restored for any disciplinary offense in which a victim died or was permanently disabled.

- One hundred and eighty days of credit forfeited for the commission of any felony listed in CCR § 3323 as a division A-1 offense shall not be restored.
- Ninety days of credit forfeited for either conspiracy or attempt to commit a division A-1 offense shall not be restored.

Inmates may apply for credit restoration through their counselor, or re-entry specialist, using CDC Form 958, Credit Restoration Application.

Eligibility/Hearing Determinations

The CDC Form 958 shall be reviewed by the counselor/re-entry specialist to determine eligibility for a scheduled hearing as follows:

- When criteria for restoration is met, a classification hearing shall be scheduled and held within 30 days of receipt of the application.
- When criteria for restoration is not met, a written explanation shall be provided by the counselor/re-entry specialist on the CDC Form 958 and the form returned to the inmate.
- Hearing decisions resulting in credit restoration shall be forwarded to the records office by a copy of the CDC Form 128-G, for recalculation of the inmate’s release date.
- Credit shall not be restored in an amount which will make the inmate overdue for release. The counselor/re-entry specialist shall carefully review the work records and disciplinary history of inmates with close release dates who are seeking restoration. The counselor shall recommend to the committee the number of days credit that can reasonably be restored at the hearing without making the inmate overdue for release. In any event, the inmate shall be advised at the hearing that the records office will determine the actual release date which shall include a minimum of 10 staff working days for release processing.
- Credit shall not be restored if it is determined at the hearing that the inmate has refused or failed to participate in a work/training assignment during the required disciplinary free period.

53130.12.3 Disciplinary Free Periods

All credit, (100 percent), forfeited through the disciplinary process is restorable, except those credits deemed non-restorable by statute.

Inmates are eligible to apply for restoration of restorable credits in the percentage amounts shown, following completion of disciplinary free periods as outlined in the following formula:

- **Division A or A-1 offenses.**
  - Twenty-five percent following disciplinary free period of one year.
  - If less than one year remains before the inmate’s anticipated release date, an application may be made within 90 days of the anticipated release date when the inmate has remained disciplinary free for a minimum of four months.
- **Division B or C offenses.**
  - Fifty percent following disciplinary free period of six months.
  - If less than six months remain before the inmate’s anticipated release date, an application may be made within 90 days of the anticipated release date when the inmate has remained disciplinary free for a minimum of three months.
- **Division D or E offenses.**
  - One hundred percent following disciplinary free period of six months.
  - If less than six months remain before the inmate’s anticipated release date, an application may be made within 60 days of the anticipated release date if the inmate has remained disciplinary free for a minimum of two months.
- **Division F offenses.**
  - One hundred percent following disciplinary free period of three months.
  - If less than three months remain before the inmate’s anticipated release date, an application may be made within 60 days of the anticipated release date if the inmate has remained disciplinary free for a minimum of one month.

Disciplinary Defined

Disciplinary free, as defined in this section means no guilty finding for a CDC Form 115, Rule Violation Report, classified as either administrative or serious during the required disciplinary free period.

Additional Applications

If less than one hundred percent of the restorable, forfeited credits are restored by the committee, the inmate may make additional applications for restoration upon the completion of additional disciplinary free periods.

53130.12.4 Factors in Aggravation

A finding of substantial factors in aggravation by a classification committee during a restoration hearing shall be cause to postpone credit restoration consideration for one additional disciplinary free period.

Factors in aggravation may regard the specifics involved in the commission of the violation or the prior behavioral pattern of the perpetrator as follows:

Factors Relating to the Act

- The act involved great violence, great bodily harm, a threat to do great bodily harm or other acts showing a high degree of cruelty, viciousness or callousness.
- The perpetrator was armed with or used a weapon at the time of the act.
- The victim was particularly vulnerable.
- The act involved multiple victims.
- The perpetrator induced others to participate in the act or occupied a position of leadership/dominance over the other participants.
- The perpetrator threatened witnesses, prevented or dissuaded witnesses from testifying, induced others to perjure themselves, or in any way interfered with the investigation of the act.
- The perpetrator committed other acts which could have resulted in the loss of additional credits.
The plan, sophistication or professionalism with which the act was carried out, or other facts, indicated premeditation.

The perpetrator used or involved non-prisoners in the act.

The act involved an actual, or attempted, taking of a hostage.

The act resulted in the damage to property of great monetary value.

The act involved a large quantity of contraband.

The perpetrator took advantage of a position of trust or confidence.

Factors Relating to the Perpetrator

Inmate has a pattern of violent conduct.

Inmate’s prior record indicates numerous acts or increasing seriousness of behavior.

53130.13 Credits for Interstate Transfer Inmates

The Western Interstate Corrections Compact and the Interstate Corrections Compact Agreements enable the Department to transfer and exchange prisoners with other states.

Inmates who agree to their placement in another state or federal institution or who are serving a concurrent term in another jurisdiction, shall be eligible to earn work credits as authorized under provisions of PC § 2933.

The inmate’s work/program participation must be verified on a regular basis by a delegated official of the Host State or federal institution and reported to the Interstate Compact Unit.

• Reports must be submitted every six months.
• Work/participation hours must be comparable to California institution hours.

53130.14 Revisions

The Director, Division of Adult Institutions, or designee shall ensure that the contents of this Section are accurate and current.

53130.15 References
PC §§ 2080, 2600, 2601, 2700, 2701, 2930 - 2934, 3057, 5005, 5045, 5050, 5055, and 5058.
GC § 12838 et seq.
W&I § 305I.
CCR (15) §§: 3040 - 30451, 3310 - 3329, 3375 - 3379.
ACA Standards 2-4115 - 2-4126, 2-4323 - 2-4495.

ARTICLE 40 — JOINT VENTURE

Revised September 12, 2008

53140.1 Policy

The Secretary of the Department of Corrections and Rehabilitation (CDCR) shall establish Joint Venture Program (JVP) operations within State prison facilities to allow businesses as a Joint Venture Employer (JVE) to employ inmates confined in the State prison system for the purpose of producing goods or services. Such programs shall be patterned after operations outside of prison so as to provide inmates with the skills and work habits necessary to become productive members of society upon their release from State prison.

The JVE and any and all agents and employees of the JVE are an independent business entity and are not officers or employees of the State. “Joint Venture Program” is merely the colloquial name of the program, and does not create or connote a “joint venture” partnership or any other business relationship between a JVE and the State as defined under California law or any other law.

Nothing in these provisions is intended to establish an employer/employee relationship between any inmate participating in the JVP and the State of California, the CDCR, or any individual agency or office of the State of California.

53140.2 The Prison Inmate Labor Initiative of 1990

The Prison Inmate Labor Initiative of 1990, also known as Proposition 139, mandates that inmates who are confined in State prison or county jails should work as hard as the taxpayers who provide for their upkeep, and that those inmates may be required to perform work and services in order to do all of the following:

• Reimburse the State of California or counties for a portion of the costs associated with their incarceration.
• Provide restitution and compensation to the victims of crime.
• Encourage and maintain safety in prison and jail operations.

• Support their families to the extent possible.
• Learn skills which may be used upon their return to free society.
• Assist in their own rehabilitation in order to become responsible law abiding citizens upon their release from a State prison or a local jail.

Priority consideration shall be given to establishing Joint Venture projects that will retain or reclaim jobs in California, support emerging California industries, or create jobs for a deficient labor market.

53140.3 Purpose

This procedure establishes guidelines for the uniform interpretation, application, and administration of the JVP.

53140.4 Definitions

The purpose of this Section is to provide clarification and definition of requirements and terms regarding Joint Venture projects.

Joint Venture Program (JVP)

For the purpose of this Section, JVP means the program responsible for implementing the Prison Inmate Labor Initiative of 1990 (Proposition 139).

Joint Venture Program Unit (JVPU)

The staff responsible for the administration of the JVP.

Joint Venture Employer (JVE)

Any public entity, nonprofit or for profit entity, organization, or business which contracts with the CDCR for the purpose of employing inmate labor under the provisions of Proposition 139.

Inmate-Employee

Any inmate who is employed by a JVE.

Prison Industry Enhancement Certification Program (PIECP)

Under the Office of Justice Programs, the Bureau of Justice Assistance (BJA), BIECP administers and monitors the Federal guidelines for all JVPs nationwide.

53140.5 Responsibility

Headquarters

The Administrator of the JVP Unit (JVPU) is responsible for implementing the Prison Inmate Labor Initiative of 1990 (Proposition 139), and the Prison Industry Enhancement Certification Program (PIECP) Federal guidelines, April 1999 or most recent revision. This shall be accomplished by negotiating contracts and leases with fiscally sound and ethically managed businesses which will create JVP businesses to employ inmates under the provisions of Proposition 139. The JVPU will assist institutions in implementing JVPs, assist and monitor JVEs, and maintain and coordinate all inmate payroll functions.

Warden

Each Warden is responsible for the implementation of appropriate Joint Venture projects at his or her institution. This shall include participation in the processes of the contract/lease development, problem identification/resolution, and ongoing operational management. In addition, the Warden is responsible for appropriate administrative and security support to facilitate the success of the project.

The Warden shall determine all necessary security procedures for the JVP business. Discipline of inmate-employees is the responsibility of the CDCR and the Warden.

Joint Venture Coordinator

Each Warden will appoint a Joint Venture Coordinator who is responsible for the direct implementation/coordination of that institution’s JVP. This position is responsible for providing a stable, readily available, and properly screened inmate workforce as well as appropriate administrative, security, and training support to facilitate the success of the project. Each Coordinator is responsible for providing JVPU with inmate hiring documentation, including any information on changes, terminations, or paroling inmates (see CDCR Form 1873, Inmate-Employee Payroll Distribution – Joint Venture Program (JVP)). In addition, each Coordinator is responsible for the completion of the CDCR Form 1872, Inmate Participation Agreement-Joint Venture Program (JVP), for each inmate employee.

Joint Venture Employer (JVE)

As defined in California Penal Code (PC) Section 2717.1(b), the JVE shall be the sole employer of all inmate-employees in the program. The JVE shall be solely responsible for determining the applicability of, and ensuring compliance with, all State and Federal laws concerning employment of inmates and free staff including, but not limited to, applicable wage and hour laws and record keeping requirements. Nothing in this Section should be construed to modify the responsibility of the State and defined in the California Code of Regulations (CCR), Title 15, Division 3, Section 3484.
The final decision in the hiring of inmates shall be made by the JVE. The JVE shall be solely responsible for paying comparable wages in accordance with applicable Federal and State laws including, but not limited to, Employment Development Department (EDD) guidelines.

California Prison Industry Authority (CALPIA)
The CDCR may contract with CALPIA to operate and manage the JVP pursuant to PC Section 2717.1 et seq. The CALPIA shall cooperate with the Warden of each facility to ensure that there is no conflict between the CALPIA operation and the proposed Joint Venture project.

Division of Adult Parole Operations
The Parole Agent in the field is responsible for coordinating the introduction of the paroled JVP inmate to the Employment Development Department (EDD) representative located in their unit.

Community Correctional Center/Facility
Any Community Correctional Center/Facility may participate in the JVP as long as it is certified by the CDCR. Inmate-employees must have been convicted in a California jurisdiction.

Employment Development Department
The JVP will obtain from EDD, wage data, applicable Standard Occupational Classification Code (SOC), and survey data from Occupational Employment Surveys (OES) for each inmate-employee’s job description.

53140.6 Federal Certification
The Bureau of Justice Assistance (BJA) administers the PIECP. Federal guidelines (Federal Register: April 7, 1999, Volume 64, Number 66) outline Federal participation and certification requirements. The CDCR is required to ensure that businesses that enter into an agreement with the CDCR be designated by BJA as having met all program guideline requirements. This designation allows businesses to engage in interstate commerce pursuant to Title 18 U.S. Code Section 1761(c) for the sale of prisoner-made goods. This designation shall remain in effect until cancelled, through written notice, by the CDCR. The BJA may cancel State certification if it finds that California’s JVP businesses are not being conducted in conformity with the requirements of the Federal guidelines.

53140.6.1 Sale of Inmate Goods or Services to the Public
PC Section 2717.7 allows for services performed and articles manufactured by JVP inmate-employees to be sold to the public. PC Section 2812, which prohibits the sale of inmate-provided services or inmate-manufactured goods to the public, is not applicable to the JVP. Also, under Title 18, U. S. Code Section 1761(c), the PIECP exempts participating agencies from Federal restraints placed on the marketability of prison-made goods by permitting the transport of such goods in interstate commerce.

53140.7 Joint Venture Policy Advisory Board
The Joint Venture Policy Advisory Board (Board) was created as a result of the Prison Inmate Labor Initiative of 1990. The Board shall serve to advise the Secretary of CDCR on policies that further the purpose of the JVP. The Board shall meet at the call of the Chairperson.

Membership
As mandated by statute, the Board shall consist of the following individuals:
- The Secretary of CDCR (Chairperson).
- The Director of EDD.
- Five members to be appointed by the Governor.
  - One member shall represent organized labor.
  - One member shall represent industry.
  - Three members shall represent the public.

Five members shall constitute a quorum, and a vote of the majority of the members in office shall be necessary for the transactions of the business of the Board. All members shall serve for four years.

Purposes and Duties
The duties of the Board are to advise/assist the Secretary on policies that further the purposes of the Prison Inmate Labor Initiative of 1990 and provide advice on strategies for accomplishing the following activities:
- Advise/assist in the development of approaches to prospective JVEs in the businesses that may be interested in establishing Joint Venture projects.
- Advise/assist CDCR in assessing the economic impact of prospective Joint Venture projects in the business community.
- Advise/assist in the development of strategies to promote the Joint Venture concept within the business community.

- Provide advocacy for program expansion and resources.
- Provide input and react to proposed policy and program changes.
- Provide ongoing assessment of program effectiveness.

53140.8 Criteria for Inmate Placement in the JVP
Inmate participation in the JVP is voluntary as evidenced by their written consent (see CDCR Form 1872, Inmate Participation Agreement-Joint Venture Program (JVP)). Each institution, in cooperation with the JVE, shall establish participation eligibility criteria. These criteria shall address custody level, excluded commitment offenses, previous work history, disciplinary record, length of time to serve, required skills and abilities, and education level. The decision to hire an eligible inmate shall be made by the JVE. The JVE shall determine the number of inmates required to maintain production, and shall determine when increases/decreases in the inmate workforce are required.

Inmates with an “Immigration Hold/Detainer” shall not be permitted to participate in the JVP as stipulated under Federal Immigration guidelines. Inmate employment is “at will” and as such, is at the complete discretion of the CDCR and the JVE, and may be lawfully terminated with or without cause, but not for unlawful reasons.

As a condition of employment, all inmate-employees agree to participate in random urine testing.

53140.8.1 Social Security Number
JVP inmate-employees shall have a verified social security number. The JVP Coordinator shall be responsible for verifying social security numbers in the inmate-employee’s Central File or by any other available methods prior to referring an inmate to the JVE for an interview.

An inmate cannot be employed by the JVE unless his/her social security number is verified. It is the inmate’s responsibility to contact the U.S. Social Security Administration Office to resolve any issues if verification of the social security number cannot be established.

53140.8.2 Required Inmate Employment Documents
Once selected for employment by the JVE, the JVP inmate-employee shall sign the CDCR Form 1872, Inmate Participation Agreement-Joint Venture Program (JVP). The inmate shall receive a copy of the CDCR Form 1872. The JVP Coordinator is responsible for completing the CDCR Form 1873, Inmate-Employee Payroll Distribution – Joint Venture Program (JVP). The Coordinator shall send this form as well as the Inmate Participation Agreement to the JVPU. A bank signature card signed by the inmate-employee is also required.

53140.8.3 Strikes by JVP Inmate-Employees
JVP inmate-employees are not permitted to strike or be utilized as strike breakers.

53140.9 Procedures for Terminating an Inmate who is Participating in the JVP
Pursuant to Department Operations Manual (DOM) Section 53140.8, inmate employment is “at will” and as such, is at the complete discretion of the CDCR and the JVE, and may be lawfully terminated with or without cause, but not for unlawful reasons.

If the inmate refuses to work, quits, or is removed from the JVP, he/she shall be immediately returned to their housing unit, temporarily unassigned, and referred to a classification committee for placement either on a facility waiting list, or if they refuse to work, in a non-credit earning group pursuant to CCR, Title 15, Section 3375. The JVPU must be notified as soon as possible of this termination.

The JVE shall operate in a similar fashion as conducted outside of the prison. Should the JVE wish to terminate an inmate for work related reasons, the following procedures shall be followed:
- The JVE shall inform the inmate-employee and Joint Venture Coordinator at the facility.
- The inmate-employee shall be immediately removed from the JVP worksite and returned to his/her housing unit. The JVE shall complete a CDC Form 128-B, Chrono General.
- The JVP Coordinator shall inform the JVPU of the termination by completing the CDCR Form 1873, Inmate-Employee Payroll Distribution – Joint Venture Program (JVP). If the inmate-employee has been accused of violating any section of the CCR related to the termination of his or her employment, then a CDC Form 115, Rules Violation Report, shall be completed by the JVE.

53140.10 Comparable Wages for Inmate-Employees
The JVE shall pay inmates participating in a Joint Venture project, a wage that is comparable to wages paid by the JVE to non-inmate employees.
performing the same or similar work for that employer. If the JVE does not employ non-inmate employees for the same or similar work, compensation shall be comparable to wages paid for such work of the same or similar nature in the locality in which the work is to be performed.

53140.11 Job Descriptions
A job description shall be developed by the JVE for each inmate position, establishing the standards of acceptable participation and performance. The job description must be in sufficient detail to include all tasks performed, the skills required for the job, and all machinery to be used in the job. The inmate-employee shall sign a copy of the job description, acknowledging the conditions of employment, and shall receive a copy. The JVE shall submit to the JVPU for its review and approval, detailed job descriptions for any new job position created annually, upon activation of a new JVP business, or when there is a twenty percent or more change in job duties. The JVE shall certify the accuracy of all job descriptions under oath.

If the JVE has non-inmate employees performing the same or similar work, a detailed job description, wage rate, and a wage plan for its non-inmate work force shall be submitted to the JVPU.

53140.12 Wage Plans
Each JVE shall submit a wage plan annually to the JVPU for its review and approval that reflects the JVE business’s compliance with comparable wage standards. Wage plans may take into consideration a worker’s experience, seniority, performance, the technical nature of the work being performed, and other relevant factors.

The entry level wage shall be increased by a minimum of two and one-half percent for each 2,080 work hours. Deviation from this wage increase is authorized only where the JVE provides a reasonable performance-based rationale for denial of the increase. The JVE shall notify the JVPU and the affected inmate-employee of such performance deficiencies. Performance deficiencies shall be documented in the inmate-employee’s file and provided to the inmate-employee no later than the date by which the required minimum raise is denied. The JVP Administrator shall have the final authority to determine the reasonableness of the JVE’s performance-based rationale.

An inmate-employee shall receive a written performance evaluation after every 1,040 hours worked regarding the worker’s performance and whether the JVE intends at that time to deny any required wage increase.

53140.13 Wage Plan Compliance
Pursuant to CCR, Title 15, Section 3486, if a JVE is not in compliance with the Wage Plan, the JVE shall be given thirty days to come into compliance. At the close of thirty days, if the JVE remains non-compliant, the administrator of JVP shall provide the JVE with a thirty day cancellation notice indicating a material breach of the Standard Agreement. If this breach concerns inmate wages, the JVE will forfeit amounts held as a security deposit. If at the close of the thirty day period specified in the cancellation notice, the JVE has not come into full compliance, the JVE shall be immediately terminated from the JVP.

53140.14 Employment Development Department
Annually, upon the creation of any new job position, upon the alteration of any existing position, or upon the establishment of any new JVP business, the JVPU is responsible for submitting job descriptions for each inmate-employee position to EDD. The EDD shall, upon completion of their review, provide wage survey data for each inmate-employee job description, and will make the wage information available to the CDCR on an annual basis. In addition, the JVPU will request wage data from EDD on any new JVEs throughout the year or as needed. EDD will also provide information on whether the employment of inmates would result in the displacement of currently employed and unemployed non-inmate workers performing the same work in the locality.

If the JVE does not employ non-inmate workers in the same or similar job positions as those worked by its inmate-employees, the EDD will determine the SOC applicable to each position.

Using the SOC, the EDD will randomly select twenty OES by industry from the locality of the JVE’s prison work site. If twenty OES surveys are unavailable from that locality, the EDD will obtain OES surveys from the most appropriate proxy locality. In the event twenty OES surveys are unavailable statewide, the total available statewide shall be used to identify entry level wages.

If, in the opinion of the Administrator of the JVPU, the entry level wage should be reviewed, the Administrator may request that the EDD pull an additional twenty OES surveys. This will be the final review. In the event of different survey results, the Administrator will designate the entry level wage supported by one of the two wage surveys.

53140.14.1 Entry Level Wage
A minimum entry level wage for a JVE that does not employ non-inmate workers in the same or similar job position as those worked by its inmate-employees will be established as described in DOM Section 53140.14. The minimum entry level wage will be the lowest wage in the reporting wage range interval reported to the EDD for which a minimum of twenty percent of the survey data reflects a wage included in or lower than that wage interval. In no event can the minimum entry level wage be lower than the minimum wage under Federal or State laws or local ordinances.

53140.15 Compensation of Inmate-Employees
Earned wages paid by the JVE will be distributed to inmates by the CDCR once per month regardless of the frequency the employer issues payroll. Wage payments shall be made no less than twice a month by the JVE, and delivered according to instructions provided by the JVPU. The JVE shall provide to the JVPU all applicable inmate-employee payroll data.

53140.15.1 Inmate Payroll Distribution
JVEs are responsible for withholding all Federal, State, and local payroll taxes from the wages of inmate-employees. Net wages, after taxes, shall be distributed as follows:
- Twenty percent for costs of room and board shall be remitted to the CDCR.
- Twenty percent for any lawful restitution fine or contributions to any fund established by law to compensate the victims of crime.
- Twenty percent for support of family pursuant to State statute, court order, or agreement of the inmate. If the inmate-employee chooses not to send money to a family member, and there is no court-ordered withholding, these funds will be deposited in mandatory savings for the inmate-employee.
- Twenty percent to the inmate-employee’s trust account.
- Twenty percent to mandatory inmate savings account to be released by the CDCR to the inmate-employee upon parole.

53140.15.2 Inmate Restitution Fines
JVP deposits are exempt from fines and direct orders of restitution deductions enumerated in CCR, Title 15, Section 3097(j), except for any lawful restitution fine as described in DOM Section 53140.15.1.

53140.15.3 Inmate Savings Accounts
Inmate-employee savings accounts are restricted and under the control of the JVPU. Each inmate-employee’s savings, plus the interest accrued on that savings, shall be provided to the inmate upon his/her release. Inmate-employee savings accounts are intended solely for the deposit of wages earned from employment with the JVE.

Wardens may authorize an early withdrawal of up to fifty percent of the balance of an inmate-employee’s savings in cases where the inmate-employee is sentenced to 15 years or more and he/she has accrued $6,500 or more from Joint Venture wages in their account (See Title 15, Section 3485(i)(3)). Examples of reasons for early withdrawal would include personal or family obligations of an urgent nature. JVP Coordinators should contact the JVPU for instructions on the procedure for this early withdrawal.

Inmate-employees who terminate from JVP with a savings account balance of $500 or less may voluntarily elect to close their account and have the balance forwarded to their institutional trust account in order to avoid account fees. JVP Coordinators should contact the JVPU for instructions on the procedures for this provision.

53140.15.4 Selection of Victim Restitution Organizations
Each Warden/Community Correctional Facility Director shall select a suitable victim restitution organization with the following criteria:
- Any selected program shall be a fund established by law for the purpose of providing crime victim compensation. Examples of a fund established by law include District Attorney’s Victim/Witness Programs or a crime victim program that has obtained a local governmental agency’s resolution authorizing the program to receive funds, i.e. Board of Supervisors or City Council.
- Programs/organizations shall provide direct victim services (e.g., rape crisis, domestic violence, victim/witness, child abuse).
- Programs have been established in either the public or private sector.

These funds are to be used for direct services to crime victims (e.g., emergency funds for immediate victim needs, counseling, relocation costs,
The JVPU will provide for the transfer of funds to the designated crime victim fund. The JVPU will provide for the transfer of funds to the designated crime victim fund.

53140.16 JVPU Responsibilities

- The JVPU shall monitor compliance with PC Section 2717.1 et seq., and Prison Industry Enhancement Certification Program Federal guidelines.
- The JVPU shall provide statewide coordination and support to effect program compliance and uniformity.
- The JVPU shall provide statewide oversight in the development, maintenance, amendment, and termination of JVP Standard Agreements (contracts) and leases.
- The JVPU shall provide information and assistance to institution staff and JVP businesses.
- The JVPU shall train institution staff on JVP duties and responsibilities.
- The JVPU shall contract with a private financial services firm to perform the distribution of JVP inmate payroll, and the collection of appropriate payroll data.
- The JVPU shall open and maintain bank accounts for the savings portion of JVP inmate-employee compensation. Inmate-employees shall have no access to these accounts until they are released. Upon release, JVPU will make available to the inmate-employee the savings account funds.
- The JVPU shall conduct a minimum of four unannounced on-site visits annually for all new JVEs and biennially for all existing JVEs to determine the accuracy of the job descriptions and wage plan. The JVPU will provide a written report including the observations and findings of each visit, and maintain these records for five years.
- The JVPU will maintain a database which includes each inmate-employee’s date of hire, hourly wage, hours worked, and the SOC Code for each inmate position.
- The JVPU shall conduct desk audits every ninety days from a random selection of ten percent of the inmate-employee workforce, reviewing salary levels to verify the wage rates established by the wage plan are being paid.

53140.17 JVE Responsibilities

- The JVE shall be responsible for completing inmate-employee work incentive time-keeping documentation, the CDCR Form 1697, Inmate Work Supervisor’s Time Log, according to CDCR requirements.
- The JVE shall complete quarterly inmate-employee performance evaluations in the CDCR Form 101, Work Supervisor’s Report.
- The JVE must represent and warrant that the JVE business will not result in the displacement of any non-inmate workers performing the same work. The JVE agrees not to displace its non-inmate employees with inmate-employees.
- The JVE must comply with all applicable record-keeping requirements set forth in the California Labor Code and applicable Industrial Welfare Commission (IWC) Wage Orders.
- The JVE is solely responsible for compliance with all applicable Federal, State, and local laws and regulations. Nothing in this Section should be construed to modify the responsibility of the State as defined in the CCR, Title 15, Section 3484.
- The JVE shall adhere to all applicable Federal, State, and local health and safety laws and regulations.
- The JVE shall pay inmate-employees a wage that is comparable to wages paid to non-inmate employees performing the same or similar work in the locality in which the work is to be performed.
- The JVE shall submit to the JVPU, detailed job descriptions for each inmate position.
- The JVE shall submit a wage plan annually to the JVPU.

53140.17.1 Notices

The JVE shall post at the JVP worksite, and provide to each inmate-employee, a notice of applicable employment laws and relevant Labor Code provisions.

53140.18 Inmate Hours and Work Schedule

As a part of the contract negotiations, the Warden and the JVE will establish the normal hours and days of the week that inmate-employees will work.

53140.19 Inmate Appeal

The CDCR’s approved Inmate Appeal Procedures, CCR, Title 15, Section 3084.1 apply to the JVP. Under these provisions, an inmate-employee may appeal the substance or application of any written or unwritten policy, decision, or condition of CDCR or of the JVE to which the inmate-employee is employed, or appeal any behavior or action directed toward the inmate-employee by the staff of either the State, the JVE, or another inmate-employee. Inmate-employees may file complaints regarding alleged violations of their employment related rights under PC Section 2717.8, relevant Labor Code provisions, and applicable Industrial Welfare Commission Wage Orders.

To address JVE related matters, inmates shall not be subject to retaliation by the CDCR for their use of the inmate appeal process pursuant to CCR, Title 15, Subsection 3084.1(d). Inmates shall not be subject to retaliation for exercising rights guaranteed under the State Labor Code or elsewhere in law to address JVE related matters.

Pursuant to CCR, Title 15, Subsection 3084.7(m) any current or former JVP inmate-employee who believes he/she has a grievance regarding a wage and hour or retaliation claim against a JVE, shall complete the CDC Form 602, Inmate/Parolee Request For Appeal, within 15 working days after the occurrence of the alleged violation. The informal and first level response will be deemed waived. The institution’s Appeals Coordinator shall log the appeal and immediately forward the appeal to the JVP Administrator. The Administrator, JVP, has thirty (30) working days in which to respond to the appeal.

The JVP Administrator shall attempt to resolve the grievance. If the inmate-employee is dissatisfied with the JVP Administrator’s resolution, including rejection for timelines, the inmate-employee may file a complaint with the Labor Commissioner. The inmate-employee will be advised of his/her rights and responsibilities for filing a complaint with the Labor Commissioner, the Division of Labor Standards Enforcement (DLSE). Rejection by the JVP Administrator does not limit or change the right of the inmate-employee to file a complaint with the DLSE. Any complaint filed with the Labor Commissioner will be governed by the DLSE’s time frames for filing grievances including, but not limited to, Labor Code Section 98.7 and Code of Civil Procedure, Sections 337, 338, and 339, and is deemed filed when the CDC Form 602, Inmate/Parolee Request For Appeal is filed.

No inmate-employee may be discriminated against or discharged for filing an appeal or complaint regarding wage and hour or retaliation violations on the part of a JVP employer. If the Labor Commissioner determines that no violation has occurred and that the complaint was frivolous, unreasonable, groundless, or was brought in bad faith, the Commissioner may direct the complainant to pay reasonable attorney’s fees to cover the costs of any hearing(s) associated with the complaint.

53140.20 Custody Costs

During normal working hours, custody costs are the responsibility of the institution. Under normal situations, if custody is available or budgeted for the area where the JVE is located, no costs will be billed to the JVE. If the JVE requires custody staff during time periods not normally covered by institutional custody staff, the JVE will be charged for this custody cost at the discretion of the Warden.

53140.21 Workers’ Compensation Insurance

The CDCR will provide workers’ compensation coverage for inmates employed in the JVP. In return, the JVE will pay the CDCR a fee equal to 75 percent of the published rate for the classification of similar private employers as outlined in the California Workers’ Compensation Insurance Manual.

All inmate-employees’ claims will be processed by the CDCR. The JVE is responsible for completing all required CDCR forms relating to any work related accident.

53140.22 Parole Procedures

The JVP Coordinator shall inform the JVPU thirty to sixty calendar days prior to the parole of an inmate-employee. This information should include the parole date, identification of the parole unit and parole agent if known. The JVPU shall close the savings account, inform the financial service, and arrange for remaining savings and final payroll to be forwarded to the parolee inmate-employee.
53140.23 Lease Agreements
The Director of the Department of General Services (DGS) with the consent of the CDCR may let, in the best interest of the State, any real property located within the grounds of a facility of the Department to a public or private entity for a period not to exceed five (5) years for the purpose of conducting a JVP. The lease may provide for renewing the lease for additional successive terms not to exceed a total of twenty (20) years. Any lease for State property entered into pursuant to this section may be at less than market value when the Director of DGS determines it shall serve a statewide public purpose (Government Code Section 14672.16(b)).

53140.24 Standard Agreement (Contract)
A Standard Agreement (Contract) shall be entered into between CDCR and any public entity, non-profit or for profit entity, organization, or business for the purpose of employing inmate labor pursuant to the Prison Inmate Labor Initiative of 1990. These contracts are non-competitively bid, and are awarded for five-year terms up to a total of twenty (20) years.

53140.24.1 Security Deposit
The JVE shall provide CDCR with a Security Bond or equivalent security. This requirement shall be included in the Contract. The amount of the bond shall not be less than two months wages for the inmate-employee workforce contemplated by the JVE after six months of operations, and shall be determined on a case-by-case basis based on, but not limited to, the size of the inmate-employee workforce and the size of space leased by the JVE. The bond or its equivalent shall be retained by the CDCR and may be used by the CDCR in the event a JVE fails to submit payroll or defaults on any of its obligations to the State. The CDCR shall apply the bond first to pay past due wages to inmate-employees and thereafter to unpaid obligations to the State, including, but not limited to, rent, utilities, workers’ compensation, and custody costs.

53140.24.2 Contract Termination
Termination of a Joint Venture contract shall be completed in compliance with State contract regulations. See DOM Section 22040.21 for further details.

53140.25 In-Service Training
The Warden, or designee shall determine the type and amount of orientation training to be provided to the JVE non-inmate staff prior to occupying the facility, and any relevant annual updates particularly on the topic of Inmate-Staff Relations. All effort will be made to include only topics appropriate to the JVE non-inmate employees.

53140.26 Institutional Communications
The JVEs shall be included in the distribution of all relevant information that is circulated to institutional Departments.

53140.27 Institutional Lockdowns
When an institution lockdown occurs that effects the JVEs operation, inmate-employees will be designated as critical workers, and returned to work as soon as possible without affecting the safety and security of the institution.

53140.28 Personal Protective Equipment
The JVE’s non-inmate personnel shall be required to be in possession of a whistle whenever they are on facility property. Personal alarm devices shall be provided to JVEs if they would be provided to CDCR employees working in similar conditions.

53140.29 Incident Investigation
Institution staff shall investigate any unusual occurrences or incidents that occur in the JVP worksite. The investigation shall be conducted in compliance with all departmental rules, regulations, and expectations.

53140.30 Revisions
It is the responsibility of the JVPU Administrator, or designee to ensure that the contents of this Article are kept current and accurate.

53140.31 References
PC §§ 2717.1 - 2717.8 and 2812.
CCR (15)(3) §§ 3084.1, 3084.7(m), 3097(a), (b), and (j), 3375, and 3480 – 3486.
GC § 14672.16(a).
LC §§ 98.7, 1132.6, 1132.8, 2926 and 2927.
R&T&C §§ 7, 8, 17039, 17053.6, and 23036.
The Prison Inmate Labor Initiative, 1990, Proposition 139.
Federal Guidelines (Federal Register: April 7, 1999, Vol. 64, Number 66).
18 USC 1761(c).
41 USC 35(d).
54010.5 Paper, Envelopes, and Stamps for Indigent Inmates

Indigent inmate means an inmate who has $1.00 or less in their Inmate Trust Account for 30 consecutive days.

Upon an indigent inmate’s request, writing paper, envelopes, a writing implement, and the postage required for five 1 ounce First Class letters per week shall be supplied. Indigent inmates shall only be given the supplies for five letters per week in accordance with DOM, Chapter 5, Article 43, Inmate Property.

Except as provided in CCR, Subsection 313b(b) and DOM Section 54010.5.2 for mail to the courts or to the Attorney General, indigent inmates may request to mail correspondence that weighs more than one ounce. Indigent inmates must relinquish the appropriate number of indigent envelopes to either their assigned Correctional Counselor or housing unit staff with the item to be mailed. If the item to be mailed weighs more than five ounces, the indigent inmate must relinquish all five indigent envelopes. Staff must forward the indigent envelopes with the item to be mailed to the mailroom with the notation that it is to be mailed for the indigent inmate. In order to facilitate this mailing, if requested, staff shall provide the indigent inmate with one appropriately sized envelope.

Foreign mail requiring postage in excess of the minimum required for First Class Mail shall be limited to two of the five letters.

Indigent envelopes issued to an inmate become their property. The inmate shall be allowed to utilize the envelopes regardless of current financial status. A charge shall not be placed against future deposits to the inmate’s trust account to recover the cost of materials and postage provided while the inmate was indigent as defined above.

Indigent inmates desiring to correspond with their attorney or any other confidential correspondents per CCR, Section 3141, shall be required to utilize their weekly allotment of indigent supplies to send such correspondence.

54010.5.1 Processing Request for Indigent Inmate Envelopes

All inmate requests for indigent envelopes shall be authorized by the Institutional Inmate Trust Account Office. Any inmate attempting to use a State issued envelope intended for an indigent inmate or found altering envelopes that were not issued to them, shall receive progressive discipline.

54010.5.2 Postage for Indigent Inmates for Correspondence to the Courts and Other Persons as Required

In addition to indigent writing supplies and postage for the five 1 ounce letters per week, indigent inmates shall have free and unlimited mail to any court or Attorney General’s Office.

Upon request, institutions shall also provide indigent inmates free copying and postage of legal documents required by the court, plus one copy for the opposing party and one copy for the inmate’s records. If the case is accepted by the court, the need for future copies of legal documents and necessary postage will be evaluated on a case-by-case basis. A charge shall not be placed against future deposits to the inmate’s trust account to recover the cost of materials, copying, and postage provided, while the inmate was indigent as defined in DOM Section 54010.5.

54010.5.3 Indigent Inmate Writing Supplies

Each institution shall establish local procedures for the issuance of writing supplies to indigent inmates.

Indigent inmates shall be given no more than five indigent envelopes per week, and shall be given enough paper to allow them to send out five 1 ounce First Class letters per week. Inmates are not allowed to trade, transfer, or swap indigent inmate supplies with another inmate.

54010.6 Recipient’s Address

All outgoing mail shall be properly addressed. It must contain the sender’s name, Department identification number, and the return address designated by the institution for inmate mail (to include housing). It shall also contain the recipient’s Name, Address, City, State, and appropriate zip code.

All incoming mail shall be properly addressed. Appropriately addressed mail shall include the inmate’s name and Department identification number. The mail should also include the address designated by the institution for inmate mail. The receiving institution is required to update any mail piece that does not reflect accurate housing or institutional location.

Appropriately addressed, Standard Mail must be addressed to an individual inmate, showing their name, CDCR number, and the address for the applicable institution.

All appropriately addressed mail shall either be delivered to the inmate, or forwarded per CCR Subsection 313(b) and DOM Section 54010.25.

54010.7 Identifying Mail Originating from California State Prison

All outgoing mail including, but not limited to, letters, packages, and parcels shall be clearly identified as originating from a California State Prison or Community Correctional Facility. Outgoing mail shall be stamped or labeled, utilizing black ink only, with block letters not exceeding one-quarter inch in height, and the stamp or label not exceeding two and one-half inches in width by one and one-half inches in height. The stamp or label shall read “California Department of Corrections and Rehabilitation.”

54010.8 Inspection and Reading of Incoming and Outgoing Mail

All non-confidential inmate mail, incoming or outgoing, is subject to being read in its entirety by designated staff.

All non-confidential inmate mail that is “returned to sender” shall be opened and inspected before being returned to the inmate.

The only weight limits that can be imposed for incoming mail are outlined in DOM Section 54010.4.

All incoming mail shall be inspected for contraband prior to issuance. Mail shall only be disallowed if it violates CCR Sections 3006, 3135, any other applicable regulations, or DOM Sections 54010.13 and 54010.14.

Institutions shall not require incoming books, magazines, or newspapers to have an institution pre-approved “vendor approved” label affixed to the packaging. Per CCR Subsection 313(b)(4), a departmentally approved vendor is any publisher, book store, or book distributor that does mail order business.

Books, periodicals, or other publications that are mailed from a religious organization bookstore shall be considered as coming from an authorized vendor.

54010.8.1 Items Enclosed in Incoming First Class Mail

In addition to the written word, such as letters, internet downloads, newspaper clippings, religious pamphlets or leaflets, or photocopies of written words, etc., First Class Mail can have the following items enclosed:

- Photographs.
- Calendars.
- Blank greeting cards (No 3-dimensional attachments or stamps).
- Postage embossed envelopes, maximum of forty.
- Blank envelopes.
- Writing paper/tablets (white or yellow lined only – no cotton paper).
- Typing paper (no cotton paper).
- Legal paper; to include colored paper required by court (no cotton Paper).
- Children’s drawings.
- Forty postage stamps (unless there is a rate change; then the intent is forty stamps at the old rate and forty stamps at the amount needed to equal the new rate). Personalized postage stamps will not be accepted.

The weight limits for First Class Mail are outlined in DOM Section 54010.4. The size and quantity of items listed above is limited per DOM, Chapter 5, Article 43, Inmate Property.

Inmates may receive photographs in First Class mail in accordance with the exception of the following:

- All photographs must comply with the CCR Section 3006, and DOM Section 54010.14.
- Amount and size shall not exceed allowances specified in DOM, Chapter 5, Article 43, Inmate Property.
- Photo albums (available through the canteen and the Vendor Package Program).
- Photographs with attached backing are not permitted.
- Photographs framed in such a manner that they cannot be adequately searched are not permitted.
- Polaroid photographs are not allowed.
- Negatives are not allowed.
- Slides are not allowed.

Any unacceptable mail shall be immediately returned to sender with the envelope annotated “Unauthorized Mail, Return to Sender.” Inmates shall be notified pursuant to CCR Section 3136.

54010.8.2 Metered Envelopes in Correspondence

Per the USPS Domestic Mail Manual, Section 604, metered reply envelopes sent in with correspondence must adhere to the following conditions:
The postage amount must be enough to prepay the postage in full. Indicia may be printed directly on the mail piece or on a label and must be positioned in accordance with 604.4.8.3 (Position of Indicium on Mail Piece). An applied label must meet the standards in 604.4.8.11 (Adhesive Tape of Label).

Indicia used to prepay reply postage, except for Information Based Indicia (IBI) generated by a Personal Computer Postage system, must not show the date.

IBI generated by a Personal Computer Postage System to prepay reply postage must show the date the licensee printed the indicium and must include the words “REPLY POSTAGE.”

The mail piece must be pre-addressed for return to the licensee. Prepaid reply mail is delivered only to the address of the licensee. When the address is altered, the mail is held for postage.

Except for those Personal Computer Postage systems with the capability to print an address for the given class or size of mail piece, the address side of reply may be prepared by any photographic, mechanical, or electronic process or combination of such processes (other than handwriting, typewriting, or hand stamping). For those Personal Computer Postage systems with the capability to print destination addresses for the given size and class of mail piece, the address must be prepared using the Personal Computer Postage system.

The words “NO POSTAGE STAMP NECESSARY POSTAGE HAS BEEN PREPAID BY” must be printed above the address.

For bar-coded letter-size First Class Mail reply mail for all postage evidencing systems except Personal Computer Postage, a Facing Identification Mark (FIM) A may be used. For Personal Computer Postage, FIM D is required for prepaid reply when the indicium is printed directly on the mail piece.

The address side must follow the style and content as described in this Section and shown in the illustration below. Nothing may be added except a return address, FIM, or bar-code.

![Stamps and barcodes](image)

This is the only type of Metered envelope that will be allowed to come in to any inmate with correspondence.

### 54010.9 Inspection of Incoming and Outgoing Packages

All incoming packages addressed to an inmate shall be opened and inspected in the presence of the inmate. The contents of the package are inspected to record authorized personal property and to prevent the introduction of contraband.

Delivery by staff of packages and special purchases shall be completed as soon as possible, but not later than 15 calendar days, except during the holiday season and during lockouts of affected inmates.

Packages shall be inspected pursuant to institutional policy. Packages shall be processed and issued from a designated distribution area. All outgoing packages shall be inspected for contraband prior to being sealed and mailed.

When there is reasonable cause to believe the mail presents a threat to the security of the facility or the safety of persons, mailing or delivery may be delayed to allow for staff translation of the correspondence, if needed. When such delay exceeds 48 hours from the date received at the facility or from the date submitted for mailing by the inmate, the inmate shall be promptly notified in writing of the delay, the reason for the delay, and all subsequent determinations and actions regarding that item of mail.

### 54010.10 Internet Downloaded Material, Electronic Mail Correspondence, and Newspaper Clippings

Inmates may receive First-Class Mail containing newspaper clippings, Internet downloaded articles, photocopies of clippings/articles, or electronic mail (e-mail). Prior to issuance, they shall be reviewed to ensure that they comply with CCR Sections 3006, 3135, and DOM Sections 54010.14 and 54010.15.

#### 54010.11 Certified Mail

Certified mail that is received at the institution can be signed for by institutional staff since the USPS designates them as the agent of record. However, the person to whom the Certified mail is addressed must sign for delivery before receiving the mail piece.

#### 54010.12 Confidential Correspondence

Confidential correspondence is a right guaranteed by law. Using confidential correspondence for personal non-business correspondence, the transmission of contraband items, or the smuggling of letters and other communications to be forwarded to persons not listed in DOM Subsection 54010.11 is an abuse of this right and such proven abuse shall be subject to legal, administrative, and disciplinary action.

Confidential Correspondents will not be limited to First Class mail standards. Mail received from confidential correspondents will be processed regardless of weight or postage class.

#### 54010.12.1 Persons with Whom Inmates May Correspond Confidentially

Persons and employees of persons with whom inmates may correspond confidentially, and receive correspondence confidentially from, include:

- All state and federal elected officials.
- All state and federal officials appointed by the governor or the President of the United States.
- All city, county, State, and federal officials having responsibility for the inmate’s present, prior, or anticipated custody, parole, or probation supervision.
- County agencies regarding child custody proceedings, as clearly identified in the communication and listed on the envelope.
- All state and federal judges and courts.
- Any attorney at law, on active status or in good standing, listed with a state bar association.
- All officials of a foreign consulate.
- The Secretary, Undersecretary, Executive Director, Assistant Secretaries, Division Directors, Associate Directors, the Chief, Inmate Appeals, and the Chief, Office of the Ombudsman.
- A legitimate legal service organization that consists of an established group of attorneys involved in the representation of offenders in judicial proceedings that includes, but not limited to:
  - The American Civil Liberties Union.
  - The Prison Law Office.
  - The Young Lawyers Section of the American Bar Association.
  - The National Association of Criminal Defense Lawyers.
  - California Appellate Project.

Per DOM Subsection 54010.11, all incoming confidential mail from an attorney or legal service organization shall include the attorney’s name, title, and return address of their office.

Institution mailroom staff shall contact the CDCR, Office of Legal Affairs, if there is any question regarding the legitimacy of a legal service organization.

#### 54010.12.2 Processing Outgoing Confidential Mail

In order to be accepted and processed as confidential correspondence, an inmate’s letter shall comply with the following requirements:

- The letter shall be addressed to a person, official, or office listed in Subsection 54010.11.
- The address of the attorney must match the address listed with the State Bar.
- The inmate’s full name, Department identification number, and address of the facility shall be included in the return address appearing on the outside of the envelope.

The word “Confidential” shall appear on the face of the envelope. Mail received in the mailroom without this notice of confidentiality shall be returned to the sending inmate.

Inmates shall post confidential mail by presenting the mail unsealed to designated staff. In the presence of the inmate, the staff shall remove the contents of the envelope upside down to prevent inadvertent reading of the contents. Staff shall remove the pages and shake them to ensure the absence
of prohibited material. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number, and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.

If prohibited material is found in the confidential mail, the prohibited material shall be confiscated; however, the letter may be returned to the inmate or mailed following the process outlined above. If the prohibited material indicates a violation of the law or intent to violate the law, the matter may be referred to the appropriate authorities for possible prosecution. Administrative and/or disciplinary action shall also be taken against all parties involved.

It is the responsibility of staff to transport inmate mail to the appropriate depository as designated by the Warden.

54010.12.3 Processing Incoming Confidential Mail

Incoming letters must show the name, title, return address, and office of persons listed in Subsection 54010.11 on the outside of the envelope for them to be processed as confidential correspondence. An attorney’s return address must match the address listed with the State Bar. A notice of a request for confidentiality is not required. Letters that are appropriately addressed with a return address that indicates it is from any of the persons or employees of persons outlined in Section 54010.11 shall be processed and treated as confidential correspondence whether or not they are stamped as such. Designated staff shall open the letter in the presence of the addressed inmate at a designated time and place. Staff shall remove the contents of the envelope upside down to prevent inadvertent reading of the contents. Staff shall remove the pages and shake them to ensure the absence of prohibited material.

Inmates shall sign for all confidential mail at the time of delivery. This shall be accomplished by use of a permanent log book or receipt. If receipts are used, the receipts shall be forwarded to the mailroom for filing. The log book, at a minimum, must record the date of delivery, the inmates name and departmental identification number, and the senders name and address.

54010.12.4 Confidential Enclosures

Newspapers, published articles, pamphlets, books, etc., enclosed in confidential correspondence shall not be treated as confidential mail and shall be handled as outlined below.

54010.12.5 Examination of Enclosures in Confidential Correspondence

The inmate may consent to an immediate examination of the enclosure by staff who issues the mail. Such examination shall be limited to the extent necessary to determine if the enclosure may be safely admitted into the institution/facility under the standards of CCR Sections 3006, 3134, 3135, and 3145, or DOM Sections 54010.8.1, 54010.13, and 54010.14. If the enclosure cannot be safely admitted into the institution/facility, it shall be given to the inmate. If, in the examiner’s opinion, the enclosure does not meet the standards of CCR and cannot be safely admitted into the institution/facility, it shall be referred to staff at not less than the Correctional/Facility Captain level for final determination. If the enclosure is not released to the inmate at this level, the process outlined in DOM Section 54010.15 shall be followed and the inmate shall be allowed to return the enclosure to the sender or dispose of it pursuant to CCR Section 3191(c).

54010.12.6 Inmate Declines Consent for Examination of Confidential Enclosures

The inmate may decline to consent to examination of enclosures in confidential mail by any staff. When this occurs, the enclosure shall be immediately placed in an envelope and sealed in the presence of the inmate. The separate envelope will, at the inmates choosing, be returned to the sender with the mailing cost charged to the inmate’s trust account, or disposed of pursuant to CCR 3191(c). The inmate is entitled to keep the letter or correspondence and the envelope it came in.

54010.12.7 Restriction of Confidential Mail Privileges

Administrative action may be taken to restrict, for cause, the confidential mail privileges afforded to an attorney based upon the information contained in this Article. The confidential mail privilege may be a statewide suspension for any offense that could be prosecuted as a felony. Only the Secretary or his/her designee shall issue a statewide suspension of confidential mail privileges.

A first offense of a non-serious mail rule violation of the Department’s mail regulations shall result in a written warning or up to a six-month suspension of the attorney’s confidential mail privileges.

A second offense of a non-serious mail rule violation shall result in modification/suspension of confidential mail privileges for a period of up to 12 months.

A third offense of a similar nature and/or a first offense that could be charged as a felony that jeopardizes the safety of persons or the security of the facility, shall result in confidential mail privileges being suspended for a minimum period of one year or beyond for an indefinite period. The attorney must petition the Warden or Secretary for reinstatement of his/her confidential mail privilege.

54010.13 Staff Confidentiality Requirements

Any person who examines the content of mail under the authority of this Article or in connection with an appeal by an inmate of a ruling under this Article shall keep the content of the examined material in strict confidence. No original, copy, excerpt, or summary of personal correspondence to or from an inmate shall be made or be placed in an inmate’s C-file unless such correspondence is or has been the subject of:

- Legal, disciplinary, criminal investigation, or casework determination and actions affecting the inmate.
- When the recipient of an inmate’s disturbing or offensive mail corresponds with the facility and requests administrative action subject to CCR Section 3135.
- If an inmate requests that a copy of personal correspondence be placed in their C-file and the inmate’s caseworker deems it appropriate to do so based on the relationship of the correspondence to the inmate’s incarceration.

54010.14 Correspondence that is Offensive/Threatening/Contains Security Concerns

Non-confidential correspondence may be disallowed if the text of such correspondence presents a danger or a threat of danger to any person or place. The authority to disallow such correspondence shall not be delegated below the level of Correctional/Facility Captain.

Disagreement with the sender’s or receiver’s morals, values, attitudes, veracity, or choice of words shall not be cause for correctional staff to disallow mail. Correctional staff shall not challenge nor confront the sender or receiver with value judgments.

Certain correspondence, including but not limited to the following, is disallowed, regardless of values or morals in order to ensure the safety and security of the institution/facility:

- Any mail of a character tending to incite murder, arson, a riot, or any form of violence or physical harm to any person or any ethnic, gender, racial, religious, or other group.
- Threatens blackmail or extortion.
- Contraband, or sending or receiving contraband.
- Concerns plans to escape or assist in an escape.
- Concerns plans to disrupt the order, or breach the security of any institution/facility.
- Concerns plans for activities which violate the law, these regulations, or local procedures.
- Contains coded messages.
- Describes the making of any weapon, explosive, poison, or destructive device.
- Contains illustrations, explanations, and/or descriptions of how to sabotage or disrupt computers, communications, or electronics.
- Contains maps depicting any area within a ten-mile radius of an institution/facility.
- Contains gambling or lottery information or paraphernalia.
- Contains obscene material in nature as described in Section 54010.15.
- Contains human or animal hair, substances, or fluids.

54010.15 Obscene Material

Inmates shall not possess or have under their control, obscene material and/or mail containing information concerning where, how, or from whom obscene material may be obtained. Obscene material means catalogs, advertisements, brochures, and/or material taken as a whole, which to the average person applying contemporary statewide standards, appeals to the prurient interest. It is material which taken as a whole, depicts or describes sexual conduct, and when taken as a whole, lacks serious literary, artistic, political, or scientific value.
Additionally, material is considered obscene when it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it appeals to deviant sexual groups.

Material subject to the test of the above includes, but is not limited to:

- Portrays sexually explicit materials, which are defined as materials that show frontal nudity including personal photographs, drawings, and magazines and pictorials that show frontal nudity.
- Portrays, displays, describes, or represents penetration of the vagina or anus, or contact between the mouth and genitals.
- Portrays, displays, describes, or represents bestiality, sadomasochism, or an excretory function, including urination, defecation, or semen.
- Portrays, displays, describes, or represents the nudity of a minor or person who appears to be under 18 years old.
- Portrays, displays, describes, or represents conduct that appears to be non-consensual behavior.
- Portrays, displays, describes, or represents conduct that appears to be forceful, threatening, or violent.
- Portrays, displays, describes, or represents conduct where one of the participants is a minor, or appears to be under 18 years old.

54010.16 Notification to Inmates of Disapproval-Mail/Packages/Publications and Disposition of Undelivered Mail

Disapproved material that is in clear violation of CCR Sections 3006, 3135, 3139, and 3135 or DOM Subsections 54010.11, 54010.13, 54010.14, and 54010.21 shall be referred to staff not below the level of Correctional/Facility Captain for determination and appropriate action. Disapproval of material that is not in clear violation of the above noted CCR and DOM sections shall be referred to the Warden, but not lower than the Chief Deputy Warden, for determination and appropriate action. The CDCR Form 1819, Notification of Disapproval-Mail/Packages/Publications, shall be utilized by each institution/facility when incoming or outgoing mail/packages/publications addressed to or being sent by an inmate are withheld or disallowed. Additionally, in accordance with CCR, Subsection 3140(e), the CDCR Form 1819 informs the inmate of the reason, disposition, name of official disallowing the mail/package/publication, and the name of the official to whom an appeal can be directed.

When inmate mail is disapproved based on the criteria established in CCR Section 3006 and 3135, DOM Subsection 54010.8.1, or DOM Section 54010.13 and 54010.14, a copy of the CDCR Form 1819 and the supporting document(s) (e.g., a photocopy of representative pages) shall be retained by each institution/facility for a minimum of seven years for litigation purposes.

After seven years if the material is not needed it shall be destroyed. If a lawsuit has been filed as a result of mail being disapproved, the CDCR Form 1819 and the supporting document(s) will be retained for two years from the conclusion of the suit.

It is noted that a publication can be a book, magazine, newspaper, or periodical.

54010.17 Non-English Language Mail

Correspondence in language other than English to or from an inmate is subject to the same regulations governing all other mail and may be subject to a delay for translation of its contents by staff. When such delay exceeds normal mail processing by five business days, the inmate shall be notified in writing of the delay, the reason for the delay, and subsequent determinations and actions regarding that item of mail.

If staff is unable to translate the letter and its contents within 20 business days of notice to the inmate, then the letter shall be delivered to the inmate untranslrated.

54010.18 Funds Enclosed in Correspondence

Funds may be mailed to an inmate in the form of:
- Money order.
- Cashier’s check.
- Certified check.
- Personal check.
- Any other negotiable means except cash and traveler’s checks.

The personal check, money order, cashier’s check, certified check, or any other negotiable instrument shall be made payable to the California Department of Corrections and Rehabilitation with the inmate’s last name and Department identification number. This information, along with the sender’s name and address, shall be on the face of the negotiable instrument. The following restrictions apply:

- Funds from other inmates/parolees shall be only accepted from approved correspondents who are members of the same family, or the parent of the inmate’s child(ren).
- If a personal check, money order, cashier’s check, certified check, or any other negotiable instrument is received in the mailroom and it does not contain the sender’s name and address on its face, it will be considered contraband per CCR, Title 15, Section 3006, and will be disposed of in accordance with CCR, Title 15, Section 3191(c). The negotiable instrument will be held in the Trust Office for thirty days while the inmate is contacted in regards to the disposition of the contraband, in accordance with CCR, Title 15, Section 3191(c).
- Funds received in the mail shall be removed from the envelope by mailroom staff and processed as follows:
  - Staff shall ensure that the inmate’s name and Department identification number are on the check or money order.
  - The envelope shall be imprinted with a stamp that reads “Funds Enclosed.” The date, amount, and initials of the person processing the funds shall be recorded on the envelope before it is forwarded to the inmate.
  - The stamped envelope is the inmate’s receipt for the funds.
  - Cash shall not be accepted for an inmate.
  - Cash received in incoming mail will be returned to the sender. Mailroom staff shall complete a memorandum for disallowed cash money to the inmate, informing them that cash was received and will be returned to sender. The envelope containing the cash and two copies of the memo will be forwarded to the Inmate Trust Office. The two copies of the memo shall be folded around the envelope and held in place with a rubber band/paperclip. The information in the center of the form shall be clearly visible to the reader. The Inmate Trust Office will process the cash and mail per current departmental policy.
  - Mailroom staff shall arrange the day’s remittances in numerical order. The remittances shall be listed in sequence on the report of collections. This report shall include each inmate’s name, Department identification number, type of payment (check, money order), amount, and the total received.
  - The report shall be prepared in triplicate and distributed with the original and secondary copies sent to the Inmate Trust Office, and the triplicate retained in the Mailroom.
- Funds shall not be released for spending by the inmate for thirty (30) days from the date of deposit into the inmate trust account and must have cleared the bank upon which they were drawn. When any personal check, money order, cashier’s check, certified check, or any other negotiable instrument is received, the face of the envelope in which the funds were received shall be imprinted with a stamp indicating the funds have been accepted at this time. This stamp is not intended to indicate that the funds are immediately available for inmate use, but only that the funds were accepted for processing by the Department.

54010.18.1 Receipt of Social Security/Welfare/Tax Refund Checks

Generally, inmates are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration, Veteran Affairs Benefits or Welfare checks from the California Department of Social Services/County Welfare agencies. Depending upon eligibility, inmates may be allowed to receive tax refund checks.

A facility representative shall be appointed by the Associate Warden, Business Services, to assist outside agencies in determining an inmate's eligibility. Mailroom staff shall deliver all received SSI, Veteran Affairs Benefits, and/or welfare and/or tax refund checks to the Inmate Trust Office. The Accounting Officer shall notify the facility representative that checks are being held pending determination of eligibility of the inmates to receive the checks.

The facility representative shall contact the appropriate agency. Unauthorized checks shall be returned to the appropriate agency.
54010.18.2 Receipt of U.S. Government Checks for Deceased or Discharged Inmates

When a U.S. Government check is received for an inmate who is deceased or discharged from CDCR, the following shall occur:

- The check and envelope shall be returned to the sending agency with the necessary information shown as to the inmate being deceased or discharged.

54010.18.3 Receipt of U.S. Government Checks for Transferred or Paroled Inmates

If an inmate has been transferred to another institution/facility, the check shall be forwarded including a note requesting the inmate to notify the state or federal agency of their change of address. Mail received for inmates who have been paroled shall be forwarded to the office of the parolee region to which the inmate was released, or if unable to locate the parolee, the check should be returned to the originating state or federal agency.

54010.18.4 Foreign Currency

No foreign currency shall be accepted. If foreign currency is received, the entire envelope and its contents shall be returned to sender with a pre-printed notice to the sender which states: "Unauthorized item _______________."

54010.19 Contests

Inmates shall not participate in any contest when a financial obligation is involved or when such participation shall result in an expense to the facility beyond the cost of processing mail.

If lottery tickets, lottery scratchers, or other contest materials are discovered in incoming inmate mail, the entire envelope and its contents shall be returned to sender with a pre-printed notice to the sender which states: "Unauthorized item _______________."

54010.20 Inmate Manuscripts

Manuscripts include, but are not limited to, written, typed, or printed articles of fiction and nonfiction, poems, essays, gags, plays, skits, paintings, sketches, drawings, or musical compositions created by an inmate.

Any manuscript remains the property of the inmate who created it. It may be retained in the inmate’s possession, unless it violates CCR Sections 3006, 3134, or 3135 or DOM Sections 54010.13 or 54010.14.

If unauthorized State materials have been used in the creation of a manuscript, the item shall be confiscated pending disciplinary action and reimbursement by the inmate for the unauthorized use of State material.

Incoming and outgoing manuscripts shall be processed as regular mail in accordance with the provisions of this Article.

54010.21 Publications

Inmates may subscribe to, purchase, or have the items listed below purchased for them by a third party:

- Newspapers.
- Periodicals.
- Magazines.
- Books.

If subscriptions or books are purchased for the inmate by a third party (or donated to an inmate) they must be mailed directly from a book store or publisher. If subscriptions or books are purchased for the inmate by a third party (or donated to an inmate) they must be mailed directly from a book store, book distributor, a publisher, or a religious organization. Personal correspondents cannot mail books, periodicals, or publications directly to inmates and state that they are a donation.

There shall be no “Approved Vendor Lists” for any publication.

The CDCR shall distribute a centralized list of disapproved publications that are prohibited as contraband. Publications that are enumerated on this centralized list are not allowed in any institutions. Local institutions may not add items to the centralized list.

54010.21.1 Processing/Inspection of Incoming Magazines and Newspapers

All magazines and newspapers shall be inspected prior to issuance to ensure that they comply with CCR Sections 3006, 3134, and 3135 or DOM Sections 54010.13 and 54010.15.

In order to expedite the issuance of magazines the following shall be adhered to:

- Magazines that contain page flap samples of perfume shall be issued to inmates.
- Attached free CD’s, packaged samples of perfume or stickers from magazines shall be removed. The removal of these items will not require the issuance of a CDCR Form 1819, Notification of Disapproval-Mail/Packages/Publications, as the item was not ordered by the inmate. Rather, it is an advertisement that was not solicited.

Sample packages of lotions or moisturizers can either be removed before delivery to the inmate, or be left in the magazine and given to the inmate.

The removal of any sample item will not require the issuance of a CDCR Form 1819, Notification of Disapproval-Mail/Packages/Publications, as the item was not ordered by the inmate; rather it is an advertisement that was not solicited.

No other items shall be removed from a magazine or other publication in order to issue it to an inmate. If any other items that violate departmental policy are contained in the magazine or publication, it shall be withheld or disqualified and processed per DOM Section 54010.15.

Staff shall not delay the delivery of an inmate’s publications for personal use.

54010.21.2 Processing/Inspection of Incoming Books

All incoming paperback and hardback books, and any enclosures within them, must be inspected prior to being altered and/or issued; per CCR Section 3134; to ensure that they comply with CCR Sections 3006, and 3135 and DOM Sections 54010.13 and 54010.14.

For hardback books, staff shall allow the inmate to determine whether he/she will accept the book with the cover removed or, if he/she declines that option, decide how it is to be disposed of per CCR Section 3191(c). If the inmate chooses to accept the hardback book staff shall, in front of the inmate, remove the entire cover from the book. Before removing the cover, staff shall insure that it does not violate any other departmental policy. If upon removal of the cover the book becomes unstable (the pages are no longer bound together), staff shall take measures to ensure that the pages are kept intact, such as with a rubber band or a clip.

Delivery staff shall be completed as soon as possible, but not later than 15 calendar days after the institution receives the book, except during the holiday season and during modified programs of affected inmates.

Hardback books shall be processed and issued from a designated distribution area.

54010.21.3 Notification to Publisher for Disapproval of Publication

When incoming books, magazines, or publications to an inmate are withheld or disallowed, a letter shall be sent to the publisher explaining why the item was denied. A book, magazine, or publication denied to the entire population based on a violation of departmental regulations or policy, shall only require one letter per institution to be sent to the publisher. At a minimum, the letter must include the reason why the book, magazine, or publication was denied, the names and CDCR numbers for all inmates affected, the applicable CCR section that is in violation, and the fact that the Publisher has the right to appeal this issue in accordance with CCR Section 3137(c) and DOM Section 54010.27.

The letter must be sent within 15 calendar days of the determination to censor the book, magazine, or publication.

When a book, magazine, or publication is withheld based on the criteria established in CCR Sections 3006 or 3135 and DOM Sections 54010.13 and 54010.14, a copy of the Letter of Notification to the Publisher and the supporting document(s) (e.g., a photocopy of representative pages) shall be retained by each institution/facility for a minimum of seven years for litigation purposes.

After seven years if the material is not needed for a lawsuit or any other purpose, the material shall be destroyed.

If a lawsuit has been filed, as a result of a publication being disapproved, the CDCR Form 1819 and the supporting document(s) will be retained for two years from the conclusion of the lawsuit.

The letter of Notification to Publisher for Disapproval of Publication shall be done in conjunction with the process outlined in DOM Section 54010.15 for notification to the inmate.

54010.22 Correspondence between Inmates/Parolees/Probationers

Inmates shall obtain written authorization from the Warden/Regional Parole Administrator or their designee/assigned probation officer, person in charge of the County Jail and/or other State Correctional Systems, at a level not less than Correctional Captain/Facility Captain or Parole Agent III to correspond with any of the following:

- Inmates under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.
- Persons committed to any county, state or federal program as a civil addict.
• Persons on parole or civil addict outpatient status under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.
• Persons on probation.
Inmates may be allowed to correspond with the above provided they meet the criteria of no known gang affiliation, or involvement with a known terrorist or conspiracy organization.

54010.22.1 Process for Approval/Denial of Correspondence Requests

Inmates may initiate requests to correspond with the above by sending their Correctional Counselor 1 (CCI) an Inmate Request for Interview form. Parolees may initiate request by contacting their Parole Agent (PA).

The CCI/PA shall interview the inmate/parolee and/or review their C-file/Field File to obtain the information required to process an inmate’s Request for Correspondence Approval. If an inmate’s request to correspond with another inmate/parolee is denied, the CCI/PA shall annotate the reason for denial on the Inmate Request for Interview. The Inmate Request for Interview shall be returned to the inmate. A CDCR Form 1074, Request for Correspondence Approval, shall not be generated for the initiating inmate whose request is denied.

When reviewing the initiating inmates C-file, staff shall ascertain whether prior approval exists. If prior approval exists, a copy of the previously approved CDCR Form 1074 shall be forwarded to both institutional mailrooms.

When an initiating inmate’s request to correspond with another inmate meets the criteria for approval, and no prior approval exists, the CCI/PAI shall ensure that a CDCR Form 1074 is completed.

If the request is approved, staff shall retain the fifth page at the requesting institution/parole office. The remaining four pages shall be forwarded, intact, to the institution/parole office/probation office/other county, state or federal facility where the other requested correspondent is housed. Neither a photocopy of the CDCR Form 1074, nor the fifth page, shall be forwarded to the C-File or mailroom while the correspondence approval is pending.

If the request to correspond is denied at the institution/parole office/probation office/other state correctional facility, the reason for denial shall be annotated on the CDCR Form 1074, and it shall be returned, in its entirety, to the sending institution/parole office.

Copies/photocopies shall not be delivered to the requesting inmate, the receiving institutions mailroom, or the housing unit.

Upon receipt of the disapproved CDCR Form 1074, staff at the sending institution/field office shall ensure that the 2nd page is returned to the initiating inmate.

If correspondence is approved at the institution/parole office, staff shall ensure that the CDCR Form 1074 is completed. They shall retain the third and fourth pages for distribution. If the third page and fourth pages are not legible, the CCI/PAI shall make photocopies of the first page prior to forwarding the completed CDCR Form 1074 to the sending institution.

The approved CDCR Form 1074 is distributed as follows:
• Page 1 (original) returned to initiating inmate/parolees institution/parole office for placement in the initiating correspondents file.
• A photocopy of page 1 (original) shall be made for the mailroom at both the sending and receiving institutions.
• Page 2 (NCR Copy) returned to initiating inmate/parolees institution/parole office for delivery to the inmate.
• Page 3 (NCR copy) kept by the receiving institution/parole office for placement in the requested correspondents file. If this page is not legible, a photocopy of page 1 shall also be placed in the C-File, attached to page 3.
• Page 4 (NCR copy or photocopy) kept by the receiving institution/parole office for the requested correspondent. If this page is not legible, a photocopy of page 1 shall be made and given to the requested correspondent with page 4.

Photocopies of the CDCR Form 1074 shall not be made for the housing unit(s). The housing units shall not keep records of approved correspondents.

The mailroom supervisor shall establish and maintain a record of approved CDCR Form 1074’s.

When a CDCR inmate requests to correspond (and meets the criteria for approval) with an inmate in a county, state, or federal facility, the CCI shall ensure that a CDCR Form 1074 is completed along with a cover letter that thoroughly explains the need for the CDCR Form 1074. Upon receipt of the approved CDCR 1074 from the specific agency, the CCI shall distribute the form as outlined above.

When a request for correspondence between inmates is received from another county, state, or federal facility (and meets the criteria for approval) the CCI shall ensure that a CDCR Form 1074 is completed and returned to the inmate with a cover letter that thoroughly explains the need for the CDCR Form 1074. Upon receipt of the approved CDCR 1074 from the specific agency, the CCI shall distribute the form as outlined above. If the request is denied, the CCI shall ensure that a letter is forwarded to the requesting agency thoroughly explaining the denial.

There shall be no limits set on the number of times approved inmates can correspond with one another unless revoked per the procedures outlined below.

The approval to correspond may be revoked due to disciplinary violations involving correspondence between the inmates/parolees or as a result of a classification action based on safety and security concerns. Any such restriction, or revocation of approval, shall be communicated to inmate(s)/parolee(s) and to the warden(s)/parole administrator(s) of the institution/facility where the inmate(s)/parolee(s) are housed.

54010.22.2 Correspondence between Inmates in SHU/ASU/PSU/THU/BMU

Wardens at institutions where there are Security Housing Units (SHU), Administrative Segregation Units (ASU), Psychiatric Security Units (PSU), Transitional Housing Units (THU), and Behavior Management Units (BMU), shall, in their local procedure, outline any further restrictions on correspondence due to safety and security concerns. The local procedure shall follow the processing procedures outlined in DOM subsection 54010.21.

The most restrictive an institution can be is to limit correspondence between inmates to only the following:
• Immediate Family Members as defined in CCR Section 3000.
• Co-litigants on active cases, until the case is resolved.
• Incarcerated natural parent of the inmate’s child.

A facility may not restrict mail privileges between an inmate and any of the above three types of correspondents, unless they violate CCR Section 3006 or other aspect of the regulations.

54010.22.3 Transfers

Approval to correspond, pursuant to DOM Section 54010.21, shall remain in effect upon transfer to another departmental facility or another parole office. If an inmate’s transfer is based on case factors that create security concerns, such as placement in SHU/ASU/PSU/THU/BMU, a reexamination by committee of all approved correspondence shall be conducted. The CCI shall review and recommend to committee whether to continue approval of the correspondence.

54010.22.4 Unapproved Correspondence

If an institution/parole office receives mail from an unapproved inmate/parolee correspondent, staff shall mark the envelope with “Not an Approved Correspondent” or equivalent language and return it to the sender.

54010.23 Mailing of Confidential Documents with Inmate Trust Account Withdrawals

Confidential mail submitted with a CDC Form 193, Trust Account Withdrawal Order, to pay for filing fees or other costs, may be left unsealed so that the voucher (check) can be enclosed after the trust account withdrawal has been processed. Inmates who do not wish to forward this type of mail unsealed should attach a stamped, appropriately addressed envelope to the confidential mail so the check can be enclosed and forwarded in the extra envelope.

54010.24 Mail Returned by the U.S. Post Office

All undelivered letters and packages returned to an institution/facility by the post office shall be opened and inspected before being returned to the inmate. This inspection is to determine if the content originated with the inmate sender identified on the letter or package, and to prevent the transmission of contraband, material, substances, and property that an inmate is not authorized to possess in the correctional facility.

The inspection of returned mail includes regular mail and letters that were mailed as confidential correspondence.

In the case of returned confidential correspondence, the envelope shall be opened in the presence of the inmate. It shall be examined and read to the degree necessary to determine if it was sent by the inmate and opened or tampered with before its return to the institution/facility. Upon completion of this examination, the returned correspondence shall be given to the...
inmate. Any contraband found in the returned correspondence shall be confiscated and processed per DOM Section 54010.15. Appropriate disciplinary action shall be taken.

54010.25 Un-mailed Correspondence
If for any reason set forth in this Article, any First Class Mail is not accepted for mailing, or is accepted for mailing but is not properly mailed, the inmate shall be notified in writing of the reason for refusal to accept or to promptly mail the item(s). When the delay in mailing exceeds 5 business days the notice shall be sent and shall include the disposition of such mail. Unless retention of such mail is required in administrative, legal, or disciplinary proceedings against the inmate or other persons, it shall be promptly mailed or returned to the inmate.

54010.26 Forwarding Mail
Mail received for an inmate who has been transferred from the institution/facility where the mail is received, shall be immediately forwarded to the institution/facility, administrative office or agency that has current custody of the inmate.

Mail addressed to an inmate who has been transferred or released shall not be returned to the sender as “Address Unknown” unless the individual has been discharged from CDCR.
First Class Mail and Periodicals addressed to an inmate who has been transferred within the CDCR shall have a label affixed with the current address and shall be forwarded via the USPS. For inmates who have paroled, the affixed label shall state “Parole (Northern or Southern) Region” and shall show that Parole Region’s address. Whenever possible, the Strategic Offender Management System should be accessed and the parolee’s mail shall be forwarded to the specific unit that is listed.

Standard Mail that has a “Mailer Endorsement”, but is undeliverable because the inmate is not currently housed at the institution, shall be returned to the USPS for processing. Mailroom staff shall affix a label to the Standard Mail piece showing the correct address before returning it to the USPS for processing. For inmates who have paroled, the label affixed to the Standard Mail piece shall state “Parole (Northern or Southern) Region” and shall show that Parole Region’s address. The Mailer Endorsement will appear either near the address block or below the return address in the top left corner of the mail piece. A mailer endorsement is any of the following phrases:

- Address Service Requested.
- Forwarding Service Requested.
- Change Service Requested.
- Return Service Requested.

Staff may dispose of any Standard Mail piece that does not have a Mailer Endorsement, and that is undeliverable because the inmate is not currently housed at the institution.

Daily newspapers that are delivered by courier will not be forwarded nor will they be held for an inmate who is temporarily away from the facility for longer than 72 hours. Exceptions will be made when the absence results from the inmate's participation in Department or facility approved activities. A written response shall be provided within 15 business days. Appeals that are not satisfactorily resolved at this level may be forwarded in writing to the Secretary who shall provide a written response within 20 business days.

54010.28 Appeals Relating to Mail and Correspondence
Inmates, their correspondents, and publishers may appeal Department regulations, and their application relating to mail and correspondence.

Inmates shall use established appeal procedures as provided in CCR, Section 3084, etc. seq.

Persons other than inmates should address any appeal relating to Department policy or regulations to the Secretary of the California Department of Corrections and Rehabilitation. Appeals relating to a specific institution/facility procedure and/or practice shall be addressed in writing to the Warden or Associate Director of the institution/facility where the appeal issue arises. A written response shall be provided within 15 business days. Appeals that are not satisfactorily resolved at this level may be forwarded in writing to the Secretary who shall provide a written response within 20 business days.

54010.28.1 Appeals of Withheld Mail
An inmate who submits an appeal in accordance with CCR Section 3084, after being notified that mail is being withheld pending appeal, shall stay any disposition of the mail until an appeal decision is made at the third level of appeal review.

If the inmate’s appeal is denied at the third level of appeal review, the item of mail shall be disposed of per CCR 3191(c).

54010.29 Complaints from Recipients of Inmate Mail
If the receiver of any mail, confidential or non-confidential, directs a written complaint to the Department administration or to institution/facility officials, consideration shall be given to any reasonable remedy sought by the individual. This may include discussion of the complaint with the inmate in an attempt to resolve the matter, reading of all mail, including confidential mail addressed to the individual, and either disallowing only that which appears to perpetuate the problem, or disallowing all mail to the individual. Complaints and requests for action which would, if approved, restrict an inmate’s correspondence, and any action taken in response to such complaints or requests shall be fully documented via CDC Form 128 B, Chrono-General. The inmate shall receive a copy of the documentation and the original shall be placed in the inmate’s C-file. An exception to the prohibition contained in Section 54010.12 against placing copies of an inmate’s personal correspondence in the inmate’s C-file may be made under the circumstances described herein.

54010.30 Temporary Absence
Mail shall be held for an inmate who is temporarily away from the institution/facility when the inmate’s return is anticipated within one week.

54010.31 Revisions
The Director, Division of Adult Institutions, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

54010.32 References
PC § 2601.
United States Postal Service, Domestic Mail Manual
CCR 15, Chapter 1, Subchapter 2, Articles 1, 4, 5, 6, and 9.
CCR 15, Chapter 1, Article 1, Section 3009.
ACA Standards 4-4487 through 4-4496.

ARTICLE 42 — VISITING
Revised May 1, 2003
Updated May 10, 2010

54020.1 Policy
The California Department of Corrections and Rehabilitation (CDCR) encourage inmates to develop and maintain healthy family and community relationships. It is a privilege for inmates to have personal contact visits while confined in CDCR institutions and facilities. Visiting in CDCR institutions and facilities shall be conducted in as accommodating a manner as possible in keeping with the need to maintain order, the safety of persons, the security of the institution/facility, and the requirements of prison activities and operations.

Employees are to be alert, courteous, and professional in their dealings with inmates, inmate visitors, and members of the public. The employee shall maintain a helpful, but professional, attitude and demeanor. Exception as is necessary to enforce standards of conduct, prevent the introduction of contraband, and ensure valid identification, visitor privacy shall not be imposed upon.

Video-recording devices may be utilized in visiting areas, excluding family visiting units or confidential attorney consultation areas. Smoking is prohibited in all CDCR facilities/institutions. All tobacco and tobacco products are prohibited.

54020.2 Purpose
This Article establishes methods and procedures to administer the inmate visiting program and provides operational direction to staff, inmates, and visitors.

54020.3 Definitions
Revised September 25, 2007
**Minor**
As used in this Section, a minor is an unemancipated person, under 18 years of age, who is not the spouse of the inmate being visited.

**Clothed Body Search**
A clothed body search entails individuals being physically searched by staff. Staff will use their hands to conduct a security search of the person in question. Additionally, staff may use other detection devices to conduct such security searches. Individuals may also be asked to remove outer garments, heavy clothing, and/or shoes to complete the security search.

**Unclothed Body Search**
An unclothed body search may consist of the removal of a portion or all of an individual’s clothing so as to permit a visual inspection by staff of the body and body cavities for security reasons. Additionally, staff may use other non-intrusive detection devices to conduct the security search of the person in question.

**Immediate Family Members**
In accordance with California Code of Regulations (CCR), Title 15, Division 3, Section 3000, immediate family members are defined as:
- Legal spouse.
- Registered domestic partner.
- Natural parents.
- Adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate’s incarceration.
- Stepparents or foster parents.
- Grandparents.
- Brother or sister, stepbrother or stepsister, foster brother or foster sister.
- Natural children, adoptive children, and grandchildren of the inmate.
- The inmate’s legal stepchildren.
- Aunts, uncles, and cousins are not considered immediate family members unless a bona fide foster relationship exists.

**Exclusion**
An administrative action by the Director or institution head to bar, for cause, a person from entering a CDCR institution/facility when that person would otherwise be permitted to enter.

**Suspension**
An action by the institution head or designee, which temporarily ceases the visiting program or suspends an individual visitor’s access to the visiting program for a specified time.

**Termination**
An action by the official in charge of visiting, which ends a visit in progress.

**Revocation**
The denial of visiting privileges or access to the institution/facility for an indeterminate length of time when visiting has been previously approved.

**5402.4 Access to Visiting Policies and Regulations**
Revised April 3, 2014

New inmate arrivals shall receive current written visiting policies and procedures. Institutions/facilities shall allow visitors access to all visiting policies and regulations. Copies of all visiting regulations and policies shall be maintained by visiting staff to provide access to all interested parties. Institutions/facilities shall post visiting dress standards and a schedule of visiting days and hours in all visiting centers and processing areas.

**5402.5 Dignitaries**
Revised April 3, 2014

Dignitaries, as defined in DOM Chapter 1, Article 14 shall be required to produce official identification, sign the official visitor’s log book, receive a visitor’s pass, and declare and present the contents of briefcase, computer bags, or other allowable property for evaluation. For accountability purposes, the dignitary information shall be recorded in the Strategic Offender Management System (SOMS) as a non-regular visit. Refer to DOM Chapter 1, Article 14 for definitions and instructions related to tours and visits by official visitors and dignitaries.

**5402.6 Official Visits by Other Departments/Agencies/Foreign Officials and Other Distinguished Visitors**
Revised April 3, 2014

Officials of other departments/agencies/foreign officials and other distinguished visitors shall be required to produce official identification, sign the official visitor logbook, receive a visitor’s pass, and submit to a search consisting of a contraband/metal detection and visual search of briefcase or other allowed property. For accountability purposes, this information also must be recorded in SOMS.

- Commissioners and Deputy Commissioners of the Board of Parole Hearings are not required to submit to contraband/metal detection inspections.

Refer to DOM Chapter 1, Article 14, for definitions and instructions related to visits by members of other departments/agencies.

**5402.7 Visiting Days and Hours**

Each institution/facility shall establish a schedule that provides a minimum of 12 visiting hours per week. Each institution head shall develop an operational supplement to this Section, which includes their respective visiting schedules as follows:

- Visiting days.
  - Four-day visiting: Thursday through Sunday.
  - Three-day visiting: Friday through Sunday.
  - Two-day visiting: Saturday and Sunday.
- Visiting hours.
- Holiday visiting schedule.
  - Security Housing Units (SHU) and Administrative Segregation Units (ASU) visiting requirements.
  - The institution/facility shall specify procedures and criteria for scheduling an appointment.

Any routine modification to visiting hours and/or days shall be posted in areas accessible to visiting participants at least two weeks prior to implementation. Inmates may visit only during non-work/training hours including “S” time, except as provided in CCR Section 3045.

**Emergency Modifications of Visiting Schedule Information**

Visiting may, without prior notification, be terminated, temporarily suspended, or modified in response to an institution/facility emergency as determined by the institution head or designee. Modification of the visiting schedule, including updates to the telephonic visiting information system, shall be posted as soon as practical. The visiting supervisor or designee is responsible for ensuring that the telephonic visiting information system is kept updated on a daily basis to ensure minimal impact on visitors.

**5402.8 Visitor Application Procedure**
Revised April 3, 2014

All adult visitors shall be required to obtain the institution/facility’s approval before being permitted to visit, except as otherwise authorized in this Article. Visitor applicants shall complete and sign a CDCR Form 106, Visiting Questionnaire. In order to retain the status of approved visitor, a new CDCR Form 106 shall be submitted whenever there is a change in the visitor’s address, telephone number, or arrest history or periodically upon request. The frequency of any periodic update initiated by the institution/facility shall be no more than once every two years.

Upon receipt of an updated CDCR Form 106 and absent information that would warrant immediate disapproval, the visitor shall be allowed to visit pending review and approval of the updated information.

A new CDCR Form 106 shall be submitted prior to visiting any inmate returned to an institution/facility from parole, or admitted into a substance abuse treatment control unit while on parole.

Any visitor approved at one institution/facility shall be approved to visit the same inmate upon a transfer to another institution/facility provided the visitor’s approval status remains unchanged.

The CDCR Form 106 shall be processed as follows:

- The inmate is responsible for mailing CDCR Form 106 to any prospective visitor(s).
- The applicant shall return the completed form with an original signature via a common carrier or personal delivery to the institution, Attn: Inmate Visiting.
- The CDCR Form 106 shall not be accepted from inmates.
- Visiting staff will process only those Visiting Questionnaires that have been sent by the inmate to a prospective visitor in accordance with the provisions of CCR Subsections 3172(a) and (e). Forms reproduced from any other source, such as from an Internet download, will not be accepted for processing.
- Some other legitimate verification of inmate mailing of the questionnaire may be provided with an original dated signature provided by the inmate on the form in question. Questionnaires lacking such inmate mailing verification may not be processed absent alternative
proof that the requirements of 3172(a) have been met or there is explanation for the absence of a signature.

Acceptable explanations for the absence of a signature include, but are not limited to:

- A documented physical and/or mental condition or disability that may exclude the inmate from mailing and/or signing the questionnaire.
- Verification of inmate mailing has been established by other means, such as a date officially stamped by the institution or by a staff signature.
- In accordance with CCR Subsection 3172(e) the visitor has been directed to update a questionnaire on file by designated staff in conjunction with a periodic review or a change in name, address, telephone number, or arrest history.
- When the completed CDCR Form 106 is received and processed at the institution/facility, the inmate shall receive a SOMS Notice of Visitor Approval/Disapproval.
- Inmates shall be responsible for notifying visitor applicants of their approval to visit.
- Visitors may be required to contact the Department of Justice regarding their criminal or arrest history.

54020.8.1 Approval/Disapproval of Application to Visit
Revised April 3, 2014

The authority to approve or disapprove a CDCR Form 106 shall not be delegated below the rank of correctional sergeant, parole agent II, or correctional counselor II. An application to visit may be disapproved in accordance with CCR Section 3172.1.

54020.8.2 Arrest History Inquiry
Revised April 3, 2014

Upon receipt of the CDCR Form 106 an arrest history inquiry shall be completed and a determination to approve or disapprove visiting should be made within 30 working days at a minimum, a Criminal Identification and Information (C&I) report shall be obtained if the California Law Enforcement Telecommunication System lists a C&I number for the applicant. Reasons for delay beyond 30 days may be provided to prospective visitors upon inquiry by the individual applicant.

Notification

If the visiting application is disapproved, the applicant and the inmate shall receive from visiting staff via SOMS Notice of Visitor Disapproval, written notification of the disapproval and the process to appeal the decision. The visitor shall be informed of the specific reason(s) for disapproval.

54020.8.3 Reconsideration of Disapproval
Revised April 3, 2014

Reconsideration of disapproval shall occur upon receipt of supporting documentation and information, and included on a new CDCR Form 106 subject to the provisions of CCR Section 3172.1.

54020.8.4 Revocation of Approval to Visit
Revised April 3, 2014

An individual’s approval to visit may be revoked when:

- Information that would have resulted in visiting disapproval becomes known after visiting approval has been granted.
- Any activity or event occurs subsequent to an approval to visit that would have resulted in disapproval of the initial application.

54020.8.5 Violations of State Law on Institution/Facility Property

Visitor violations of State or federal law on institution/facility property may be referred to prosecuting authorities in accordance with CCR Section 3176.2. The visitor’s visiting privileges shall be revoked pending investigation and/or court disposition. If the visitor is not prosecuted or not referred for prosecution, the visitor shall be subject to action in accordance with CCR Subsections 3176.2(a) and (b). If the visitor is found not guilty or a court dismisses the charges, visiting approval may be restored upon the written request of the visitor.

54020.9 Extenuating Circumstances for Visitor Approval
Revised September 25, 2007

Exceptions to approval requirements for visitors may be made when death, life-threatening illness, or injury occurs to an immediate family member, including registered domestic partner, of the inmate.

Family emergency exceptions shall be made only for an inmate’s immediate family members as defined in Section 3000 of the Title 15 or clergy.

Each request to visit because of a family emergency shall require proof of the emergency and approval of the supervisor in charge of visiting.

Visitors must present acceptable picture identification and pass an arrest history inquiry in accordance with this Section.

The visit shall be conducted under the direct supervision of visiting or designated staff.

54020.10 Visiting Requirements for Minors
Revised April 3, 2014

Minors shall be accompanied by an adult who has been approved to visit the inmate.

Approval of an emancipated minor’s visit requires a one-time submission of a certified copy of the court order of emancipation. Staff shall note that the original is certified, and verification of the order shall be noted in SOMS. The emancipated minor is subject to all the rules and regulations as set forth for adult visitors.

If the accompanying adult is not the parent, legal guardian, or spouse of the minor, a certified written consent shall be required from the person with legal custody of the minor, or a certified copy of a court order authorizing the minor to visit while accompanied by a designated adult.

- The notarized written consent or court order shall state the duration of approval and must be presented each time the minor visits. The notarized written consent must be renewed annually.
- Staff shall note the notarized consent form is current and shall annotate it in SOMS.

54020.10.1 Visiting Restrictions for Minors
Revised May 10, 2010

Any inmate convicted of specified criminal acts against minors shall be prohibited from visiting with minors in accordance with provisions of CCR Section 3173.1.

- For inmates convicted of Penal Code (PC) Section(s) 261, 264.1, 266c, 285, 286, 288, 288a, 288.5, or 289 when the victim is a minor, visitation with the minor victim shall be prohibited, except as authorized by an order of the juvenile court pursuant to Welfare and Institutions Code Section 362.6. Visitation pursuant to such an order shall be limited to non-contact status.
- For inmates convicted of PC Section(s) 261, 264.1, 266c, 269, 285, 286, 288, 288a, 288.5, or 289 when the victim is a minor, visitation with any minor who is not the victim of the crime shall be limited to non-contact status except as authorized by the Institution Classification Committee.
- For inmates convicted of PC Section(s) 273a, or 273d, visitation with the minor victim shall be limited to non-contact status.
- For inmates convicted of violating PC Section(s) 187, 269, 273a, 273ab, or 273d, when the victim is a minor, visitation with any other minor shall be limited to non-contact status except as authorized by the Institution Classification Committee.
- When an inmate has been arrested, but not convicted of any crime involving a minor victim included in this Section, a classification committee shall determine whether all visitations with a minor(s) is to be limited to non-contact status.
- Unless otherwise prohibited, the inmate’s visiting status shall be unrestricted until a classification committee has done the following:
  - Made a case-by-case determination whether the inmate poses a threat of harm to minor visitors in contact visitation.
  - Considered the circumstances of the misconduct involving a minor victim in determining whether the inmate poses a threat of harm to minor visitors in contact visitation. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, and parole revocation transcripts.
  - If a classification committee determines that the inmate will pose a threat of harm to minor visitors in contact visitation, it will order all the inmate’s visitation with minors be restricted to non-contact visiting status.
  - If the inmate disagrees with the decision of a classification committee, the inmate may file an inmate grievance via the CDC Form 602 appeal process as outlined in CCR Sections 3084.1 through 3085.

54020.11 Processing Visitors
Revised April 3, 2014

Upon arrival at the visitor processing area, the visitor shall be issued a SOMS, Visitor Pass.

Visiting staff shall:
• Request picture identification in accordance with this Article. A certified copy of each minor’s birth certificate or county-embossed abstract of birth shall be presented.
• Verify approval to visit via the inmate visitor approval list in SOMS.
• Determine visiting status; e.g., non-contact, order for an unclothed body search or other restriction/instructions, and follow any special instructions posted in SOMS.
• Enter the date of the visit in SOMS.
• Stamp the right wrist of all visitors age seven and older with fluorescent ink prior to their entrance into the institution/facility.
• Search/Inspect all visitors in accordance with CCR Section 3173.2.

Staff shall identify visitors prior to their exit from the institution/facility by positive physical identification, inspection of their identification card, SOMS visitor pass and wrist stamp.

54020.11.1 Visiting Program Reasonable Accommodation
Revised December 16, 2010

Subject to the Americans with Disabilities Act and other applicable law, reasonable accommodations shall be afforded visitors and inmates with disabilities to facilitate their full participation in contact, non-contact, and family visiting.

54020.11.2 Processing Visitors with Medical Implants, Prosthetic, or Assistive Devices
Revised April 3, 2014

Visitors with temporary medically implanted or prosthetic devices, wheelchairs, or other assistive devices who cannot clear contraband/metal detection devices shall be required to present a signed letter which includes the address, telephone number, and the California Medical License number (if applicable) of their physician, physiatrist, prosthetist, or orthotist.

Visitors with permanent medically implanted or prosthetic devices shall be required to present a letter with the initial submission of an application requesting visitation with an inmate. A visitor who had already been approved to visit and later has a permanent or prosthetic device(s) installed shall be required to submit medical verification as prescribed in CCR Subsection 3173.2(d). Once accepted, this verification will be incorporated into SOMS and will only require update to coincide with changes to the visitor’s permanent implanted or prosthetic device(s).

The verification letter shall:
• Be renewed at least every two years or coinciding with the requirement for updating visitor information.
• Detail the specific location of the medical implant or prosthetic device in or on the body.
• Detail the specific type of mobility impairment and verify the need for a wheelchair or assistive device.

Processing Visitors with Medical Implants or Prosthetic Devices
Staff shall conduct an inspection of the prosthetic device to the extent possible without the removal of clothing. A hand-held contraband/metal detection device shall be utilized to process visitors with medical implants. Any required removal of prosthetic and medical implants for inspection will be done in private setting or area.

If reasonable suspicion exists to believe that a visitor is attempting to introduce contraband or substances into or remove contraband out of the institution/facility and the visitor has a medical implant, prosthetic device, or uses a wheelchair or assistive device(s), a search will be initiated in accordance with this Section. Licensed physician and/or nursing staff of the same sex with this Section. Licensed physician and/or nursing staff of the same sex

Search/Inspect all visitors in accordance with CCR Section 3173.2.

Visitors who present letters signed by their physician, etc., which details a specific type of mobility impairment which precludes the wheelchair transfer or verifies the need for using battery-powered or custom designed wheelchairs, shall be exempt from the wheelchair transfer requirement.

When an institutional wheelchair is not available or the visitor is unable to transfer to another wheelchair, the visitor is exempt from the transfer requirement.

Visiting staff shall conduct a visual inspection of the wheelchair and hand-held contraband/metal detection devices shall be used to process visitors deemed exempt from the wheelchair transfer requirement.

54020.12 Proof of Identity
Revised December 16, 2010

All Adult visitors shall present picture identification before being permitted to visit. The following are acceptable forms of identification for visitors:
• Valid driver’s license with picture.
• Valid Department of Motor Vehicles identification card with picture.
• Valid government-issued passport with picture.
• Armed Forces’ identification card with picture.
• Identification cards issued by the United States Department of Justice or United States Immigration and Naturalization Service.
• Picture identification Matricula Consular De Alta Seguridad (MCAS) issued by the Mexican Consulate.

54020.13 Inspection/Search of Visitors
Revised May 10, 2010

All persons, their property or possessions, and/or vehicles when on institution/facility property are subject to inspection/search to the degree necessary to ensure institution/facility security and prevent the introduction of contraband.

Visitors shall not be forcibly searched unless institution/facility officials possess a court-issued warrant to conduct the search or the visitor is being detained for unlawful actions or activities in accordance with CCR Section 3292.

54020.13.1 Contraband/Metal Detection Devices
Revised January 10, 2014

All visitors shall be processed into the security area through a contraband/metal detection device and/or a hand-held wand metal detector device. Visitors shall have property in their possession searched prior to being allowed entry into the institution/facility. Visitors shall remove all items from their pockets and remove jackets, belts, shoes, etc. These items shall be placed in a designated area for inspection by the visitor processing center staff.

Additional screening will occur when an individual sets off the alarm of the metal detector, an individual is selected for additional screening, or an individual has provided documentation to substantiate a condition that precludes successful screening by metal detector. Additional screening may include a hand-held wand inspection in conjunction with a clothed body search of the visitor’s body (including the torso), a clothed body search alone, or an unclothed body search.

When additional screening is required, visitors should let staff know of any personal needs or concerns they may have due to religious or cultural considerations, disability, or other medical concern. Additional searches will be conducted by staff of the same gender as the visitor.

Staff shall use a hand-held wand inspection to identify what may have set off the alarm on the walk-through metal detector or to confirm an alarm present during the initial screening. During the wanding procedure the visitor shall be asked to stand with feet and legs apart and arms out to the side while the staff member passes the wand in close proximity to all areas of the visitor’s body.

A visitor who fails to clear any contraband/metal detection device may be subject to a clothed or unclothed body search prior to beginning a visit. Before the clothed or unclothed search is conducted, authorization and visitor consent shall be obtained in accordance with this Article.

54020.13.2 Clothed Searches of Visitors
Revised January 10, 2014

Staff may conduct a clothed body search and use a variety of detection devices when the visitor fails to clear any contraband/metal detection device, or information has been obtained indicating that a visitor is in possession of contraband as described in DOM Chapter 5, Article 20. To ensure security, a clothed body search may be used in conjunction with the hand-held wand inspection. A clothed body search may also be performed as a stand-alone
54020.14.1 Refusal to Submit to a Search
Visitors who refuse to submit to a clothed or unclothed body search shall have their visiting privileges denied for that day. Future visits may be conditional upon the visitor’s willingness to submit to a clothed or unclothed body search prior to each visit. Any parent or legal guardian refusing to provide consent for clothed or unclothed search of a minor shall be denied the opportunity to visit that day. The institution head may delegate authority, to authorize clothed and/or unclothed body searches of visitors and search their property or vehicles, to staff at the level of correctional captain or higher. The Administrative Officer of the Day (AOD) shall exercise this authority in the absence of appropriate staff. The visiting supervisor/watch commander shall advise the captain/administrator in charge of visiting of a search of a minor. During non-business hours the AOD shall be notified.

54020.14.2 Documentation of Information Leading to a Search of a Visitor
When staff obtains information that indicates that a visitor may be in possession of contraband on institution/facility property, the employee shall document the information on a confidential memorandum. The report shall include:
• The name and number of the inmate(s) intended to be visited.
• Visitor’s name, physical description, personal relationship to the inmate; e.g., wife, sister, brother, etc. (if known).
• Specific details of the circumstances.
• Means by which the documenting employee obtained information.

54020.14.3 Searching of Minors
The accompanying parent or legal guardian of the minor must consent to, and shall be permitted to, witness the search. The procedure to search a minor is as follows:
• A custody supervisor and at least one other staff member of the same sex of the minor shall be present during the search.
• Care shall be exercised not to traumatize the minor(s) being searched.

54020.15 Allowable Visitor Items
Visitors may be permitted to take the following items into the visiting area:

Miscellaneous Items
• One pair of eyeglasses.
• One handkerchief or a small package of tissues, no bandannas.
• One comb and/or hairbrush, non-metallic, no pointed ends or detachable parts.
• Two keys on a ring with no other attachments. One key may be an electronic car key.
• Visiting locker key.
• Identification.
• One transparent coin purse, maximum two compartments, maximum size of 6”x 8”.
• Fifty dollars per adult visitor and twenty dollars per minor visitor, coin or one dollar bills only.
• Indian Medicine Bag. (Upon inspection and approval.)
• Two small (less than 12 inches in length) solid toys.

**Baby Items**
The following baby care items are permitted for each baby:
• One transparent diaper bag.
• Six disposable diapers.
• Three factory-sealed jars of baby food.
• Any combination of the following: two factory-sealed single serving size, ready to feed bottles of baby formula or two transparent plastic baby bottles, either empty or containing pre-mixed formula/milk/ juice/water.
• Two factory-sealed, single serving size packets of powdered baby formula.
• One change of clothes.
• Single-layer baby blanket.
• One transparent pacifier.
• Factory-sealed baby wipes.
• One baby feeding spoon (plastic).
• One single-layer burp cloth.
• One infant carrier.

**Necessary Reasonable Accommodations**
The following items are permitted, as-needed, and upon submission of verifiable documentation from a medical doctor that a physical or mental limitation exists, for visitors who require reasonable accommodations to ensure that proper hygiene is met:
• One to two articles of clothing (pants).
• Two adult incontinence products (diapers).
• A container of cleaning wipes.
• Wheelchair and one additional assistive device (i.e., cane, walker, etc.).
The one or two articles of clothing (pants) shall be maintained in a secure location (e.g., locker at the visitor processing center readily available to the visitor as needed or the visitor’s secured vehicle). When necessary, visiting staff shall provide a disposable jumpsuit and clear plastic bag for soiled diapers and/or articles of clothing. The visitor may use the jumpsuit to walk to the visiting processing center and retrieve clean articles of clothing previously stored there. The disposable jumpsuit will be collected and disposed of in accordance with institution procedures. The visitor will be allowed to return to the visiting room to resume their visit.

If necessary due to physical inability to walk and/or stand without an assistive device, visitors will be allowed to bring with them a wheelchair and one additional assistive device (i.e., cane, walker, etc.), to provide a sufficiently stable platform while in a toilet facility to allow a visitor to stand while a diaper and/or clothing is changed, and if necessary due to physical limitations, visitors are also allowed one non-inmate caregiver of the same sex to assist with personal hygiene needs as well as to assist the visitor back into or out of a wheelchair or toilet facility. Persons designated as caregivers must meet all visitor requirements set forth in DOM Article 42, Visiting.

Visitors requiring reasonable accommodations in order to meet proper hygiene, must submit with their visitor application, verifiable documentation from a medical doctor that a physical or mental limitation, for which accommodation is needed, exists. Approved visitors must bring with them a copy of this documentation on the day of the visit.

**Photographs/Documents**
Photographs, papers, or documents permitted into the visiting area for the inmate’s examination shall be retained by the visitor and carried from the visiting room and the institution/facility at the conclusion of the visit.

Photographs, papers, or documents require approval of the institution/facility designated staff.

Ten approved photographs may be allowed; maximum size 8” x 10”; no false backs or instant photographs.

During processing, visiting staff shall:
• Inspect and count the items.
• Record the number of items on the SOMS Visitor Pass.

Upon conclusion of the visit, staff shall again count the items verifying the amount with the number recorded.

The institution/facility shall provide, upon request, one pencil and notebook paper to be checked out by the adult visitor, as needed. At the conclusion of the visit, the pencil shall be returned to visiting room staff. The paperwork shall be inspected for contraband and the visitor shall be allowed to remove the paperwork from the institution/facility.

Institutions/facilities may provide games, children’s books, crayons, and coloring books upon receipt of donations from the community.

54020.16 Lockers
Lockers may be available in some visitor processing areas for storage of items that are not permitted into the visiting areas.
The institution/facility shall not be responsible for the loss or theft of personal items left in lockers.

54020.17 Visitor Medication
Visitors may retain only life-sustaining, condition-stabilizing medication with the prescribing physician’s written statement of its immediate need, and only in the physician’s prescribed amount immediately required to sustain or stabilize the condition during the visit.

The physician’s written statement shall include the physician’s medical license number, address, and phone number.

All medication shall be in its original pharmacy container with the patient’s name, pharmacy, name of medication, prescribed dosage, and the physician’s name indicated on the container’s label.

54020.18 Number of Approved Visitors
Limitations shall not be placed on the number of visitors approved to visit an inmate.

The number of visitors allowed in the visiting area at one time is limited as follows:
• No more than five visitors per inmate, including minors. Visitors in excess of five may be accommodated by means of rotation through the visiting area on a one time basis. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress.
• Non-contact visits shall not exceed three visitors, including minors. Visitors in excess of three may be accommodated by means of rotation through the visiting area on a one time basis. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress.

54020.19 Visitor Emergency Medical Assistance
Emergency medical attention may be provided to visitors who become ill, injured, or require medical attention while on institution/facility property. The responding staff member shall make every effort to preserve life.
• This may include first aid, CPR, and other life-saving measures for which the employee is trained and/or certified. Life support measures shall be continued until the medical personnel arrive.
• Staff may contact a visitor’s relative or friend to assist in the transportation of the visitor. An ambulance may be summoned for visitors requiring emergency medical attention. The institution/facility is not responsible for payment of services provided by outside agencies.
• The watch commander shall immediately be notified, and the appropriate documentation shall be completed.

If a visitor alleges injury, or was involved in an accident on institution/facility property, a STD Form 26B, Accident Report, shall be completed by visiting staff.

54020.20 Visitor Basic Dress Standards
Revised January 10, 2014
Visitors shall remain fully clothed when visiting. Appropriate attire includes undergarments; a dress or blouse/ shirt with skirt/pants or shorts; and shoes or sandals.

Visitors over 36” tall shall adhere to the following dress standards.
• Shoes or sandals shall be worn at all times. Shower shoes and bedroom slippers will not be allowed.
• Buttons, snaps, and zippers shall remain fastened.
• Undergarments shall be worn beneath translucent clothing, under all circumstances.
• For security reasons, no brassiere will have metal underwire.
• All shorts and skirts, including slits in the garment, shall not expose more than two inches above the knee when standing.

**Prohibited Attire:**
Prohibited attire consists of, but is not limited to, the following:

- Clothing that resembles state-issued inmate clothing worn to visiting (e.g., blue denim or blue chambray shirts and blue denim pants, reception center attire).
- Clothing that resembles law enforcement or military-type clothing, including rainwear, when not legitimately worn by an individual on active duty or in an official capacity.

Clothing that:

- Exposes the breast/center area, genitals, or buttocks.
- By design, manner worn, or due to the absence of, allows the anatomical detail of body parts or midriff to be clearly viewed.
- Are sheer or transparent or excessively tight.
- Attire or accessories displaying obscene/obscene language, drawings, or objects.
- Head coverings, readily removable hair pieces, or gloves, with the exception of clear see-through rain gear for inclement weather.
- Any other clothing, garment, or accessory that when compared to the expressly specified standards above would warrant disapproval.

Exceptions:

Hats, wigs, gloves, religious veils, or hairpieces are permitted with the prior written approval of the institution head or designee.

Approval shall be based on verification of the visitor’s necessity to wear the hat, wig, gloves, or hairpiece.

Approval of hats and gloves shall be based on weather conditions at the institution/facility.

Approved hats, wigs, gloves, religious veils, or hairpieces shall be inspected by visiting staff prior to the visit.

54020.21 Processing of Inmates

Revised January 4, 2006

Before allowing inmates into the visiting area, staff shall:

- Search the inmate in a manner consistent with institution/facility security prior to, and upon conclusion of, each visit.
- Verify the inmate’s identity.

Inmates shall be permitted to take any of the following items into the visiting area:

- One handkerchief.
- One comb.
- One wedding band.
- One religious medal on a necklace.
- Prescription eyeglasses.
- Approved medical assistive device.
- Written or printed legal material or case-related documentation pertaining to the inmate’s case for an attorney visit only.
- One article of approved Religious headgear may be worn in the visiting area.

54020.21.1 Inmate Visiting Dress Standards

Inmates shall wear only those items of state-issued clothing issued to them at the time of the visit.

Inmates are permitted to wear one each of the following state-issued clothing items:

- Shirt.
- Pair of pants.
- Belt.
- Jacket.
- Pair of socks.
- Pair of shoes.
- Under garments.

Inmates may wear the following state-issued or personal items, if allowed at the institution/facility at the time of the visit:

- Thermal clothing.
- Sandals or shower shoes may be permitted for inmates housed in institution/facility medical units.

Exceptions to the approved inmate attire shall be based on medical necessity, and authorized by the health care manager or treating physician.

54020.21.2 Authorization of Excused Time off for Visits

Revised April 3, 2014

An inmate’s work supervisor may approve excused time off (ETO) from a work assignment to participate in a visit in accordance with CCR Section 3045.2.

During lockdowns, when visiting programs have not been suspended, inmates prevented from working as a result of the lockdown may be permitted ETO visits during their normal work hours.

- When inmates are not required to report to their work assignments because of temporary suspension of the work program, they may be allowed to participate in ETO visits.

In each instance, the approval or disapproval of this action shall be documented in SOMS on a CDC Form 128-B, General Chrono, by the approving authority.

Inmates should not be denied visiting opportunities solely on the basis of the unanticipated absence or temporary unavailability of their work supervisor.

54020.21.3 Inmate Refusal to Visit

Revised April 3, 2014

Inmates may refuse to see a visitor. The refusal shall be documented in SOMS on a CDC Form 128-B and shall be signed by the inmate. If the inmate refuses to sign the form, the staff member having knowledge of the refusal shall document the refusal on the CDC Form 128-B.

The original form shall be placed in the inmate’s file and the visitor and the inmate shall be given a copy.

Refusal by the inmate to see a visitor on one occasion shall not result in the visitor’s removal from the approved visitor list, unless the inmate requests removal.

Inmates who desire to remove a visitor from their visiting list shall make a written request to the supervisor in charge of visiting. It is the inmate’s responsibility to notify visitors of their removal from the visiting list.

Visitors shall be removed from the visiting list on the date the request is received by visiting staff for a minimum of six months, and this information shall be recorded in SOMS.

The inmate may make a written request to place the visitor back on the visiting list in accordance with this Section at the conclusion of the six-month period.

54020.22 Non-Contact Visiting

Revised April 3, 2014

Inmates assigned to Administrative Segregation Unit / Security Housing Unit (ASU/SHU) are not normally eligible for contact visits. On a case-by-case basis, the institution head or designee may allow contact visits for inmates in ASU.

Inmates not assigned to an ASU/SHU may be placed on non-contact visiting status for specific periods of time by disciplinary disposition, or classification committee action in accordance with CCR Sections 3170(d) and 3176.4.

Visitors who have made appointments in advance for non-contact visits shall be given priority.

- Non-contact visits shall be scheduled in one-hour increments and may be extended depending on space availability and scheduling. When overcrowding occurs, those who have visited at least one hour and who have been visiting for the longest time may have their visits terminated as outlined in CCR Subsections 3176(a)(9)and (10).
- Each institution/facility shall develop an operational supplement for the scheduling of non-contact visits.
- Inmates undergoing reception center processing shall be limited to non-contact visiting. If the institution does not allow non-contact visiting, the institution head shall develop an alternative visiting plan to allow visiting in accordance with this Section.
- Inmates determined to be disabled and housed at a reception center for periods exceeding 61 days solely due to their disability, shall be allowed regular visiting privileges in compliance with this Article.

54020.22.1 Temporary Imposition of Non-Contact Visits

Revised April 3, 2014

In accordance with CCR Section 3176.4(a) the ranking custody officer on duty, or the supervisor in charge of visiting, may temporarily impose noncontact visiting restrictions but may not deny visiting as a security measure. Non-contact visiting may be imposed as a temporary measure for willful failure or refusal to abide by visiting regulations. This status may be involved pending the outcome of a disciplinary or classification committee hearing. In addition, an inmate on non-contact visiting status may have all visits temporarily suspended when displaying disruptive behavior during a
• Nursing mothers shall be discreet and covered when breast feeding their child in the visiting room. Failure to do so shall result in termination of visiting for that day.
• Minors shall remain under the constant control and supervision of the accompanying adult.
• Visitors shall not leave the designated visiting area except at the conclusion of the visit.
• All food or beverage items shall be consumed or disposed of at the conclusion of the visit. During contact visits, the inmate and visitor may exchange or examine any items of property or consume any items of food or beverage that either party is permitted to bring into or purchase in the visiting area. Inmates may retain photographs that were taken during the visit.
• Inmates shall not retain any items taken into any visiting area by the visitor except legal materials approved in accordance with CCR Subsections 3178(n) and (o).
• In accordance with CCR Section 3006, inmates shall not be authorized to possess contraband as defined in CCR Section 3000.
• Inmates shall clean their respective visiting area upon conclusion of the visit.

54020.29.1 Suspension or Exclusion of Visitors from the Visiting Program

All visitors entering the institution/facility for the purpose of visiting an inmate are subject to all applicable policies, regulations, local procedures, and laws:
• Visitors violating a policy, regulation, or law are subject to denial, suspension, or revocation of a visit in progress or exclusion from the visiting program in accordance with CCR Subsections 3176-3176.3.
• Actions affecting a visitor’s access to the visiting program shall be recorded on SOMS titled Notices.

When verbal warning and/or restrictions fail to achieve compliance, or fail to correct the conduct by a visitor, the visit shall be terminated for the day.

For serious or repeated violations of the rules, regulations, or procedures and/or upon belief of the visitor’s involvement in a criminal act and pending the outcome of an investigation, the official in charge of visiting may impose a suspension of the visitor’s access to the visiting program for up to six months in accordance with CCR Subsection 3176.1(c).
• The institution head or director or designee, as appropriate, and in accordance with CCR Subsections 3176.1(d) and (e), may impose suspension for up to twenty-four months when visitors are involved in misdemeanor or felony criminal activities on institution/facility property.
• Subsequent discovery of information that would have resulted in disapproval or disqualifying contact are grounds for revocation of the previously granted permission to visit an inmate.

The warning, visit termination, suspension, and revocation information recorded in SOMS shall clearly state the reason for the action and the length of time any sanction or action taken will apply. The notification content of the action shall prepare a SOMS Termination Notice explaining the reason for the action and the length of time any sanction or action taken will apply. The notification content of the action shall prepare a SOMS Termination Notice explaining the reason for the action and the length of time any sanction or action taken will apply.

54020.30 Denial or Termination of Visits Due to Overcrowding

Visits may be terminated or denied when the visiting areas are in use to maximum capacity, and there are other approved visitors waiting to visit. Termination of visits due to overcrowding shall be based on the recorded order of arrival time of the inmate (first in/first out). Exceptions to this termination procedure are as follows:
• Excessive distance: The visitor has traveled a distance of 250 miles or more and has not visited within the last 30 days. This exception shall be applied to allow two consecutive days of visiting.
• Disabled Visitor: A visitor who is certified as disabled as defined by California law and must rely on special transportation to the institution.
• Weddings: When a visitor is married to an inmate on that particular day.
• Family Emergencies: When death, serious illness, or injury occurs to an inmate’s immediate family including registered domestic partner. Clergy or approved visitors may visit the inmate to offer condolences or inform the inmate of the occurrence.
• Infrequent Visits: When an inmate receives not more than one visit each six months. A visit meets this definition when the inmate normally receives few visits, and a visitor arrives unexpectedly.

When visit terminations are complete and the overcrowding situation persists, the visits of those remaining shall be terminated as necessary. When overcrowding occurs, those who have visited at least one hour and who have been visiting for the longest time may have their visits terminated as outlined in CCR, Subsection 3176(a)(9) and DOM Article 42, Section 54029.1.

Upon termination of a visit due to overcrowding, the official taking the action shall prepare a SOMS Termination Notice explaining the reason for termination. The visiting supervisor authorizing the action shall sign the notice. Records shall be maintained in SOMS and copies forwarded to the institution head, the inmate and the visitor.

Any visitor whose visit is terminated due to overcrowding shall not be allowed to re-enter on the day of termination.

54020.31 Suspension of Visiting Program

The institution head or designee may suspend the visiting program during an emergency.

54020.32 Attorney Visitations and Consultation

Inmates have a right to access the courts and the judicial system. It is the policy of the CDCR to facilitate both correspondence and personal consultation for this purpose.

An attorney visit is a private consultation between an inmate and his/her attorney or representative.

Conversations between an inmate and an attorney or attorney representative shall not be listened to or monitored with the exception of visual observation by staff as required for the safety and security of the institution/facility. Attorneys or attorney representatives shall not be permitted to attend or participate in any conference or committee meeting of staff and the inmate concerned, except as may be authorized by law or regulation.

54020.32.1 Clearance and Approval for Attorney Visit

An attorney or attorney representative seeking an in-person consultation with an inmate shall contact the institution/facility at which the inmate is housed. Such request(s) shall be in advance and can be made in person, in writing, by telephone, or facsimile directed to the staff designated in the institution/facility’s operational supplement to this Section.

The following personal and professional information is required in writing for approval of the attorney’s request to visit:
• Inmate’s name, CDCR number, and date of birth.
• Proof of the attorney’s current registry, in good standing, with a state bar association and indication of the jurisdiction(s) licensed to practice law.
• The attorney’s date of birth, mailing address, and valid driver’s license or state-issued identification card number.

The requesting attorney must also report any prior felony convictions, explain any prior suspension or exclusion from a correctional facility, and declare one or more of the following:
• They are the attorney of record either by appointment by the court, appointment by the Board of Parole Hearings, or at the inmate's request.
• They have been requested by a judge to interview a named inmate for purpose of possible appointment as counsel by the same court.
• They are seeking to visit an inmate who may be a witness relevant to a legal matter.
• They are seeking to interview an inmate at that inmate’s request for the purpose of possible representation.
• They have been requested by a third party to consult with the inmate when the inmate cannot do so because of a medical condition, disability, or other circumstance.
visit. The reason(s) for the non-contact visiting status or suspension of visiting shall be recorded in SOMS and the affected inmate shall be given a copy of the documentation. Subsequent disciplinary or classification committee action shall supersede any temporary action.

54020.22.2 Non-Contact Visits for General Population Inmates
Non-contact visiting for general population inmates shall be imposed by a classification committee for specified periods of time when there is substantial reason(s) to believe that physical contact with a visitor(s) or with other inmates may:

- Endanger the safety of persons.
- Jeopardize the security of the institution.
- Violate the rules of the institution.
- Be disruptive to the visiting process and/or from smuggling into the institution/facility.
- Assaultive, irrational, or bizarre behavior suggesting that the inmate has a high violence potential and may prove disruptive to the visiting program.
- Escape risk or escape history.
- The inmate is temporarily housed at an institution/facility of another law enforcement agency.
- The inmate may be placed on non-contact visiting if assigned to a drug rehabilitation program which requires non-contact visiting.

54020.23 Rule Violations Related to Visiting
A Hearing Officer or Senior Hearing Officer may place limitations and restrictions on an inmate’s visits for specified periods of time when the inmate is found guilty of rules violations related to visiting, distribution/possession of controlled medications, or possession of contraband likely to have been introduced through visiting; (i.e., money, jewelry), or by classification committee action in accordance with CCR Sections 3170(d), 3176.3, and 3315.

54020.22.3 Review of Newly Arriving Inmates for Visiting Status
The initial classification committee shall review all newly arrived inmates who are eligible for general population placement to determine visiting status. Criteria for imposition of non-contact visiting status shall include, but are not limited to:

- Violations of visiting regulations.
- Recent or repeated possession of contraband (such as money, narcotics, and/or paraphernalia, escape tools or devices, etc.), the evidence or circumstance of possession of which suggests illicit acquisition through the visiting process and/or from smuggling into the institution/facility.
- Assaultive, irrational, or bizarre behavior suggesting that the inmate has a high violence potential and may prove disruptive to the visiting program.
- Escape risk or escape history.
- The inmate is temporarily housed at an institution/facility of another law enforcement agency.
- The inmate may be placed on non-contact visiting if assigned to a drug rehabilitation program which requires non-contact visiting.

54020.24 Food in Visiting Areas
Visitors and inmates are permitted only those items purchased in their respective visiting areas.

- Inmates and visitors may not take any food items from the visiting area. Visitors at CDCR Conservation Camps are permitted to bring the following vendor-sealed food items to the picnic visiting area:
  - Prepared, non-marinated, unprepared, and/or lunch meats.
  - Cheeses.
  - Non-alcoholic beverages.
    - Six 12-ounce unopened cans or plastic bottles per inmate and visitor.
    - One unopened quart of milk per inmate and visitor.
    - One unopened six-ounce jar of instant coffee.
    - One unopened 16-ounce jar of barbecue sauce and/or steak sauce.
    - Individual sealed condiment packets: ketchup, mustard, mayonnaise, relish, sugar, etc.
    - One large unopened bag of chips per inmate and visitor.
    - Four hot dog buns per inmate and visitor.
    - Four hamburger buns per inmate and visitor.
    - One package of tortillas per inmate and visitor.
    - Two unsliced fruits per inmate and visitor.
    - One potato per inmate and visitor.
    - One onion or pepper per inmate and visitor.
    - Two bakery product servings per inmate and visitor.

Food items taken into designated visiting areas shall be consumed during the visit or taken from the visiting areas by the visitors at the conclusion of the visit.

54020.25 Visiting Photo Program
Photographs may be taken of the inmate and/or visitor in designated visiting area locations when purchased through the institution/facility’s photo program.

Inmates and visitors shall be authorized to retain any approved photographs taken during the visit.

54020.26 Visiting with More Than One Inmate
Except for visits with immediate family members as defined in Section 3000 of the Title 15, visiting with more than one inmate at the same time shall require the approval of the institution head or designee. Consistent with all other requirements specified in DOM 54026.10.1.

Visiting more than one inmate at the same time shall require that both inmates are approved to visit in the same visiting room and that either:

- The visitor(s) has prior written approval from the institution/facility head or designee, or
- The visitor(s) and inmates are immediate family members including registered domestic partner.

54020.27 Visiting in CDCR Hospitals and Infirmarys
Authorization from the health care manager and the correctional captain or AOD shall be obtained to approve visits for inmates housed in CDCR infirmaries or hospital facilities.

- Visitors shall be supervised by custodian staff during the visit.
- Approval for visits by minors shall be obtained from the institution head or designee.
- Visitors shall only be authorized to retain two keys on a single key ring (with no attachments), life sustaining medication, and a valid form of identification.

The length of visiting in a CDCR infirmary, hospitals, or community hospitals shall be determined by the institution head or designee based on staff availability.

54020.28 Visiting in a Community Hospital
Visits for inmates in a community hospital may be approved under the following conditions:

- The inmate has a life-threatening or critical illness/injury.
- The visitor is an immediate family member including registered domestic partner.
- The visitor has prior approval to visit the inmate in an institution/facility.
- The institution head or designee approves the visit.
- The attending physician authorizes the visit.

Visitors in a community hospital shall comply with the CDCR visiting rules and any restrictions or requirements imposed by the institution/facility or hospital.

The length of visiting in a CDCR infirmary, hospitals, or community hospitals shall be determined by the institution head or designee based on staff availability.

54020.29 Visiting Conduct
Each inmate and visitor is responsible for their conduct during visits. Violation of laws, whether or not on CDCR property, and/or CDCR policies or regulations, may result in restrictions, suspension, denial, revocation of visiting privileges, and/or arrest.

An inmate and their visitor may briefly embrace and kiss at the beginning and end of each visit. Except for holding hands, no other body contact is permitted except as specified below:

- An inmate may hold his or her minor children. Inmates may also hold minor children accompanied by an adult. Such contact will be monitored to ensure compliance with CCR Sections 3007 (Sexual Behavior) and 3173.1 (Visiting restrictions with minors).
Any false statement or deliberate misrepresentation of facts specific to the information requested above shall be grounds for denying the request and/or cause for subsequent suspension or exclusion from all institutions/facilities administered by the Department.

- The attorney or attorney representative must present a copy of the declaration to staff prior to each visit with the specified inmate. The original declaration shall be maintained on file at the institution where the inmate is housed.
- Any written information required by CCR Subsection 3178(d) may be submitted by facsimile transmission.

**Processing of Attorney Visit Requests**

Upon receipt of the written request and required information, a California Law Enforcement Telecommunications System (CLETs) check through the Department of Justice and verification of the attorney’s credentials through the governing state bar association shall be conducted. The institution/facility conducting this background check shall subsequently maintain and update, as appropriate, all records relevant to processing such requests. Once the clearance and verification has been obtained, the attorney shall be contacted to schedule the initial visit. The attorney clearance shall be granted only for the institution/facility that conducted the clearance.

Attorneys and attorney representatives must report any change in personal or professional information, arrest history, and declarations in order to retain their approval/clearance, which shall otherwise be indefinitely valid throughout the inmate in question’s period of confinement at the institution/facility. Upon the inmate’s return to custody, a new visiting request and declaration shall be submitted.

Each institution/facility shall maintain a current list of all approved attorneys.

**Exceptional or Unscheduled interviews**

Should an attorney believe information acquired in the course of a scheduled visit warrants immediate follow-up in the form of a separate interview with a different inmate, the opportunity for an exceptional or unscheduled interview with the other inmate may be requested at the conclusion of the visit in progress. Such requests shall be honored subject to reasonable operational limitations and upon completion of a declaration in accordance with the requirements of DOM 54020.31.1. If the request imposes an unreasonable burden on staffing or unduly disrupts an institution function, (i.e., interferes with count or feeding), it will be deemed unreasonable. Under such circumstances, the attorney shall be so informed and a visit with the inmate in question may be scheduled in accordance with the procedures set forth above.

**54020.32.2 Innate Notification of Attorney Visit**

*Revised April 3, 2014*

The visiting sergeant or designee shall notify the inmate of the scheduled attorney visit via the CDC Form 1081, Notice of Attorney/Legal Visit. It is the inmate’s responsibility to appear for the visit at the scheduled time. Approval or disapproval of any attorney request to visit shall be documented on the SOMS Notices. If disapproved, the inmate shall be notified via the CDC Form 128-B.

**Visits during Work/Training Hours**

When an appointment is scheduled during an inmate’s work/training hours, the inmate shall be released from the assignment.

**54020.32.3 Attorney Visiting Hours**

Attorney visits shall normally be accommodated and/or scheduled during the institution/facility’s established regularly scheduled visiting hours and days. When regular visiting is scheduled on both weekdays and weekends, the scheduling preference will be weekdays because of the personnel and resources needed for the greater volume of weekend visits by friends and relatives.

When an institution/facility regular visiting schedule provides for inmate visitation only on weekends, an attorney visit shall be scheduled as specified below upon request of the attorney or designated attorney representative. Upon authorization of the attorney visit, the visit shall be scheduled during weekday business hours.

With the exception noted below, attorneys or attorney representatives who have not been previously approved to visit should provide the institution in writing with the information required by DOM 54020.32.1 no less than five business days in advance of the desired date of the visit.

This advance verification is necessary in order to conduct clearance checks, verifications, and to permit scheduling of available staff and facilities.

If the clearance cannot be obtained and approved prior to the requested visit date, the attorney or attorney representative shall be contacted and informed of the reasons for the delay.

Attorneys with a compelling need to visit an inmate during other than the established visiting hours shall submit a request to the institution head or designee to visit.

- Written verification of a Board of Parole Hearings hearing or consultation, scheduled evidentiary hearings, and trial or court filings that are within 30 days from the date of the visit are examples of acceptable documented compelling or emergency need for the attorney visit.

Attorneys previously approved to visit at the institution/facility shall request private communications no less than two business days in advance.

- Two business days written, faxed, or phoned notices to schedule an attorney visit are particularly appropriate for attorney visits during regularly scheduled visiting days, or when scheduling an attorney visit during a normal weekday at an institution that only provides for regular visiting during the weekend, or to schedule an attorney visit on a non scheduled visiting weekday because of scheduling conflicts or other declared need.

- When a previously approved attorney or attorney representative is unable to provide the two business days notice due to a scheduling conflict or for some other declared need, the institution head or designee may authorize a visit with 24-hour notice so long as the visit does not interfere with the safety and security of the institution/facility and as necessary to accommodate the attorney visit on a non scheduled visiting day.

- Under extraordinary circumstances, attorneys who have not been previously approved to visit and are unable to provide the required information within five business days may be authorized by the institution head or designee to visit with no less than 24-hour notice so long as the visit does not interfere with the safety and security of the institution.

**54020.32.4 Location of Attorney Visits**

Attorney visits shall be conducted in institution/facility visiting rooms.

Inmates shall be granted contact or non-contact visits, according to their visiting status at the time of the attorney visit.

- When a compelling need exists, the institution head or designee may grant an inmate on non-contact visiting status a contact attorney visit. Such visits shall occur in private visiting accommodations specified by the institution facility in accordance with this Section.

- If an attorney or attorney representative does not desire private accommodations, the attorney or attorney representative may visit the inmate on any regularly scheduled visiting day and shall be provided the same accommodations as a regular visit, with the exception that, notwithstanding the limitations of DOM 54020.15, legal documents may be exchanged in accordance with CCR Section 3178(o).

**54020.32.5 Processing**

An approved attorney or attorney representative and any accompanying authorized support personnel shall be processed upon arrival at the institution/facility in the manner set forth in DOM 54020.11.

- Attorneys, representatives, and authorized support personnel with appointments shall be expeditiously processed, and if necessary to do so, may be advanced to the front of any processing line.

All items, legal or related case documents and required equipment or apparatus in possession of the above identified individuals, shall be inspected prior to entry into the institution/facility. Once inspected and cleared, these materials may then be conveyed into the confidential consultation area.

- Attorneys shall also be required to present proof of active registry with a state bar association and a copy of the declaration of the reasons for the consultation as specified above.

- Attorney representatives and litigation support personnel shall be required to provide valid written authorization by an attorney who has been cleared and approved in accordance with DOM 54020.32.1.

No more than two attorneys, or attorney representatives and litigation support personnel, may visit privately with an inmate or witness at the same time. Exceptions may be authorized by the official in charge of visiting when an attorney declares that litigation support personnel are needed to assist in the legal process/proceeding, commensurate with space and staff availability.
54020.32.6 Attorney Representatives/ Litigation Support Personnel

An attorney or court may designate, by name and in writing, representatives to interview an inmate or witnesses on behalf of an attorney. Such designated representatives shall be afforded the same accommodations and services as an attorney, providing all other requirements of this Section are met. Representatives acting on behalf of an inmate’s attorney shall be one of the following:

- Private investigator, licensed by any state and sponsored by the attorney or appointed by the court.
- A law student sponsored by the attorney.
- An employee of an attorney, legitimate legal service organization, or licensed private investigator who is sponsored by the attorney or licensed private investigator.
- A legal paraprofessional sponsored by the attorney or appointed by the court.
- An investigator who is employed by a government agency, public agency, or public institution.

Litigation support personnel include, but are not limited to, the following individuals retained or sponsored by the attorney or attorney representative in a formal capacity as specified below:

- Certified language interpreters, sign language interpreters, and court reporters.
- Polygraph examiners.
- Licensed mental or medical health care professionals.

Such personnel may accompany the attorney or attorney representative during the private consultation in order to assist in the legal process, proceeding, or case investigation. With the exception of licensed mental or medical health professionals, the attorney or attorney representative must accompany all litigation support personnel assisting in the performance of legal functions during any private consultation.

For purposes of this Section, verifiable proof of employment or sponsorship shall be, at minimum, a formal agreement between parties outlining the duties or services to be performed by the designee and the start date of such services.

54020.32.7 Authorization of Attorney Representative

A letter of authorization to act on the attorney’s behalf shall be signed by the attorney or judge and the designee. The letter must be dated within 180 days of the visit and clearly indicate that the representative is a court appointee or authorized agent of the attorney as appropriate and specific to DOM 54020.32.6 and shall contain the following:

- The designee’s name and position of employment or title.
- The designee’s date of birth, driver’s license, and Social Security number.
- Certification in the form of a license that the representative is a licensed private investigator retained by the attorney or appointed by the court; or valid identification that the investigator is employed by a government agency, public agency, or public institution; or a letter in the form of a declaration that the attorney representative is being sponsored by the attorney and that the attorney accepts responsibility for all actions taken by the attorney representative.
- The name and CDCR number of the inmate(s) to be visited.

Designations of litigation support personnel and personnel admitted in accordance with the deposition provisions of DOM 54020.32 shall be in writing, dated within 30 days of the visit, and signed by the attorney and/or judge.

- The letter of authorization, required designations, copy of any employment contract or sponsorship agreement, and declaration of purpose of visit shall be submitted to the institution head or designee for review.
- The letter of authorization shall be presented by the attorney representative or litigation support personnel, along with verifying proof of identity at the time of the scheduled visit and shall be subject to verification.

In declaring that the attorney assumes full responsibility for the actions of their designee, the attorney is certifying that the designee is performing a recognized legitimate legal function. Therefore, upon proof of misconduct or deliberate misrepresentation of the part of the designee or upon proof that the designee is not employed by or has no verifiable sponsored relationship with the attorney, the attorney risks losing the ability to designate others to act on their behalf or may face suspension of their own attorney visiting privileges on a departmentwide basis in accordance with CCR Section 3178(s).

54020.32.8 Exchange of Confidential Material

All items, documents, and case related materials conveyed into the confidential consultation area shall be inspected. The purpose of the inspection is to ensure the contents pose no threat to the safety or security of the institution/facility, including the introduction of unauthorized drugs, controlled substances, and/or contraband as defined in CCR Section 3006. Staff may open and inspect, but shall not read any part of a legal written or printed document without the express consent of the inmate, attorney, or attorney representative.

All legal documents or associated case related materials the attorney or attorney representative provides or receives from the inmate are deemed necessary for the furtherance of a legitimate legal process, proceeding, or action. Therefore, the exchange of any other item or document can result in restriction, suspension, and/or exclusion of the attorney’s visiting privileges on a departmentwide basis in accordance with CCR Section 3178(s).

After proper inspection, written and printed material may be exchanged. The attorney or attorney representative may retain, and take from the visiting area and institution/facility, any legal document or case related material given to him or her by the inmate and not otherwise prohibited by law or regulations. After inspection, inmates may retain and take from the visiting area any legal documents and case related materials not otherwise prohibited by law or these regulations and given to them by the attorney or attorney representative.

Staff shall limit inspection(s) to the extent minimally necessary to ensure that the contents pose no threat to the security or safety of the institution/facility. Legal documents or case related materials refused by an inmate shall be returned to the attorney or attorney representative in person or by mail.

54020.32.9 Deposits

Deposits should be scheduled by prior arrangement. The attorney desiring the deposition must make a written request to the institution head or designee, which includes the following:

- Inmate’s name and CDCR number.
- Deposition date and time.
- Name of court reporter.
- Name of videographer (if applicable).
- The court reporter’s and videographer’s date of birth, social security, and driver’s license numbers.

The request for an attorney shall be responsible for notifying the court reporter of all requirements necessary for entry into the institution/facility in accordance with this Section.

54020.32.9.1 Audio Recording

With the inmate’s consent, an attorney or attorney representative may record the interview. The institution/facility shall provide audio recording equipment.

The attorney or attorney representative must provide factory-sealed audio tapes(s).

54020.32.9.2 Video Recording

With prior approval of the institution head and the inmate’s consent, a video recording of the interview may be made.

- The attorney or attorney representative must provide factory-sealed videotapes.
- Unless provided by the institution/facility, video recording equipment shall be thoroughly searched for contraband.
- If the equipment cannot be searched without the risk of damage, the interviewer shall agree to pay for the cost of escort and control of the equipment while it is on institutional/facility property. Charges for the escort and control services shall be at the escort officer’s current pay rate, including overtime, if applicable.

54020.33 Family Visiting General Information

Family visiting is a privilege earned by the inmate through successful program participation.

- Misconduct on the part of the inmate or visitor(s), violation of a law, rules, or regulation may be cause for termination of the visit.
- Family visits are restricted to the living quarters and the yard assigned for the family visit.
- Visitors shall not be permitted to leave and return during the visit.
Inmates may request specific dates for a family visit. When applying for a family visit, the inmate’s assigned Correctional Counselor I (CC-I) is responsible for determining his/her eligibility to participate in the FVP. Applicants shall submit their initial institutional request, on a CDC Form 1046, Family Visiting Application, to their respective CC-I. The CC-I shall evaluate the following areas of specific interest:

- Escape history.
- Commitment offense and behavior history to determine eligibility, pursuant to CCR Section 3177(b)(1).
- Current case factors to determine eligibility pursuant to CCR Section 3177(d).

If the CC-I finds that based on criteria, the inmate is ineligible; they shall annotate specific reasons for denial on the CDC Form 1046 and in SOMS under “Inmate Case Notes”. If one or more of the above factors are present and the CC-I cannot readily make a determination for eligibility, a conference with the CC-II and/or the Facility Captain shall be held to determine eligibility. If necessary, the case shall be referred to a classification committee for approval or disapproval.

Upon review and approval, the CC-I shall complete a CDC Form 128 B noting the approval and/or restrictions. forward a copy to the family visiting coordinator, and record the results in SOMS. After the initial approval, all subsequent requests shall be submitted on a CDC Form 1046, Family Visiting Application, directly to the family visiting coordinator.

Proof of marriage or registered domestic partnership shall be established by the family visiting coordinator. A certified copy of the marriage certificate or Certificate of Registered Domestic Partnership, issued by the Secretary of State, shall be presented to the coordinator prior to each visit.

Family visits shall be scheduled with specified family members as defined in Section 3000 of the Title 15. Once an application is submitted, no changes or substitutions of visitors shall be permitted.

### Requests for Specific Family Visiting Dates

Inmates may request specific dates for a family visit. When applying for a specific family visiting date, inmates shall submit two alternate dates. A reasonable effort shall be made to accommodate the inmate’s preference; however, no scheduled family visit shall be canceled to accommodate a preferred request.

If all requested dates are filled, the next available date will be determined by the family visiting coordinator and offered to the inmate.

### Notification of Scheduled Family Visiting Dates

A SOMS Notice Family Visiting Inmate Notification, shall be provided to the inmate upon scheduling of family visiting dates.

- It shall be the inmate’s responsibility to return the signed form to the family visiting coordinator within ten working days to secure the dates.
- Exchange of family visiting dates shall not be permitted.

### Visiting Status Changes

Any disciplinary or classification committee action that restricts, suspends, or denies an inmate's regular visiting, shall also apply to participation in the FVP for the duration of the imposed sanction.

### Inmates on Non-Contact Visiting Status

Inmates on the FVP list, who are placed on temporary non-contact visiting status as a result of pending disciplinary charges and/or classification committee action, shall not be permitted to participate in the FVP until the pending charges or classification committee action that led to the restricted status is resolved.

The inmate’s name shall remain on the list until all the charges and/or committee actions are resolved. If an inmate’s family visit is canceled due to pending disciplinary and/or classification action and the inmate is found not guilty, the visit shall be rescheduled on the first available date.

### Cancellation of a Family Visit

During emergency situations, the family visiting coordinator shall make a reasonable effort to notify the family of the cancellation of the family visit.

### Processing Inmates for Family Visiting

Inmates shall present their CDCR identification card to the family visiting coordinator, report to a designated area for inspection of their property, and submit to an unclothed body search.

Inmates shall submit urine samples as ordered by the family visiting coordinator.

The family visiting coordinator shall complete a CDC Form 1070, Family Visit Inmate Property Inventory – Male Inmate Items/1070-A, Female Inmate Items, as appropriate.

The inmate shall be escorted to the proper family visiting unit. Inmates shall be authorized to bring the following items into a family visit:

- Two changes of underwear.
- Toothbrush.
- Safety razor.
- Items in accordance with this Article.

The family visiting coordinator, or staff, shall provide a brief orientation of the unit to the occupants.

### Urinalysis

Inmates participating in the FVP shall, at minimum, submit to a urinalysis upon completion of the visit. Refusal to submit to a urinalysis shall result in disciplinary action; visit cancellation, and removal from the FVP by classification committee action.

### Family Member Participation

Participation in the FVP is restricted to the inmate’s immediate family members including registered domestic partner.

- A certified copy of the marriage certificate shall be presented to the family visiting coordinator prior to each visit by the inmate’s spouse.
- A certified copy of the Certificate of Registered Domestic Partnership, issued by the Secretary of State, shall be presented to the family visiting coordinator prior to each visit by a registered domestic partner of an inmate.

### Minor’s Participation

Unescorted minors shall not be permitted to participate in the FVP, except as authorized by the institution head or designee.

Notarized, written approval of the parent or legal guardian is required when a minor accompanies an adult who is not the parent or legal guardian of the minor.

The approval shall specify by name, the approved family member who is authorized to chaperone the minor and the specific date of each family visit authorized for the minor’s attendance.

Adult children of the inmate, 18 years of age or older, shall present their birth certificate and a valid form of identification prior to each family visit.

### Standby Family Visits

Standby family visits are not authorized.

### Family Visiting Length and Visitor Reporting Requirements

Institutions shall require family visitors to check-in at the visitor processing area prior to 11:00 a.m. on the day of the visit.

- Family visitors shall report to the visitor processing area at the time designated by the institution.
- Visitors failing to report to the visitor processing area by 11:00 a.m. without the notification and approval of the family visiting coordinator are subject to cancellation of the visit and suspension of FVP privileges for six months.

Inmates and visitors shall be permitted to spend approximately 46 consecutive hours in the family visiting units.

### Processing of Visitors for Family Visiting

Visitors shall report to the visitor-processing center. All visitors shall be searched in accordance with this Section. All personal articles shall be inspected. Those items that cannot be visually or manually inspected shall be x-rayed or disallowed.

The family visiting coordinator shall transport the visitors and their property in a state vehicle to their respective family visiting units when necessary.
54020.33.15 Authorized Property for Family Visiting

Visitors are authorized to possess the following items while participating in the family-visiting program:

- One bag of clothing per visitor; no suitcases are permitted.
- Clothing shall be in paper, plastic, or fabric bags.
- Basic personal hygiene and cosmetic items in the amount necessary for the length of the family visit.
- No aerosol containers.
- Disposable diapers only.
- Children's toys.
- Simple games, coloring books, crayons, or pencils (as authorized by the institution).
- Locker key.
- Prescribed medications in accordance with this Article.
- Prescribed birth control pills.
- A spouse or registered domestic partner shall be permitted to bring in a maximum of ten commercially sealed condoms per visit.
- Condoms in unsealed packaging shall not be permitted into the institution.
- All unused condoms shall be retained in their sealed packaging and taken from the institution by the visiting spouse or registered domestic partner.
- Under no circumstances shall an inmate be permitted to possess condoms outside of the family visiting quarters.

54020.33.16 Food for Family Visiting

Inmates participating in the FVP shall be required to purchase all food for the visitor and themselves with funds from their trust account. A minimum of two meals per day, per person, shall be purchased prior to commencement of the family visit.

**Family Visiting Food Menu**

Each institution shall maintain a family-visiting menu from which to choose. The family visiting menu shall provide the following food items:

- Minimum of five, maximum of ten, breakfast entrees.
- Minimum of five, maximum of ten, lunch entrees.
- Minimum of five, maximum of ten, dinner entrees.
- Beverages, including bottled water, milk, and soda.
- Fresh fruit.
- Maximum of ten miscellaneous items.

Visitors with infants may be allowed the following items:

- Powdered or bottled formula in vendor-sealed containers.
- Baby food in vendor-sealed jars.

**Medically Prescribed Diets**

Visitors shall be allowed to bring medically prescribed food items to a family visit under the following conditions:

- The visitor shall provide a physician’s statement to the family visiting coordinator, which includes a description of the diet, and describes why the diet must be continued during the visit.
- All food items must be vendor-sealed with recognizable labels.

If an inmate is being supplied a nourishment bag and/or food supplements ordered by a physician or dentist, the inmate shall be provided with the prescribed dietary additions during the visit.

**Funds for FVP Meals**

Inmates shall submit a completed FVP menu form with a CDC Form 193, Trust Account Withdrawal Order, authorizing a charge to the inmate’s trust account, to the family visiting coordinator at least three weeks prior to the visit.

At least two weeks prior to the visit, a copy of CDC Form 193 shall be delivered to the trust office by the family visiting coordinator. If sufficient funds are not available in the inmate’s trust account, the family visiting coordinator shall inform the inmate that the scheduled visit has been canceled.

Funds sent to an inmate’s trust account specifically designated for family visit food item and accompanied by a completed, signed CDC Form 1839, Exemption of Family Visit/Temporary Community Leave Funds from Restitution Fines/Orders, shall be exempt from restitution fines or orders.

**Processing of Food Order**

On the day of the visit, the family visiting coordinator shall facilitate the delivery of the food order to the visiting units at the commencement of the visit.

**Unclaimed Food Items**

If a family visit is canceled due to institution operations after the purchase of a food order, the inmate may request reimbursement to their trust account for the amount of the food order.

Reimbursement of trust account funds shall be limited to family visit cancellations due to institutional actions such as:

- Suspension of the FVP due to institution emergency.
- A disciplinary hearing finding of not guilty after a charge of misconduct which restricted family visiting privileges.

Such reimbursement is subject to the provisions of DOM Chapter 5, Article 53, Section 54100, and applicable Victim Compensation and Government Claims Board rules.

If the family visit is canceled due to the actions of the inmate and the inmate has been charged for the food, the institution/shall allow person(s) designated by the inmate to claim the food within 72 hours of the cancellation.

The final disposition of food remaining unclaimed after 72 hours shall be the responsibility of the institution.

54020.33.17 Family Visitor Medication

Medication shall be retained in a secure location by designated staff. Verification of the need to possess medication shall be provided by a physician’s statement.

Visitors may retain only life-sustaining, condition-stabilizing medication with the prescribing physician’s written statement of its immediate need, and only in the physician's prescribed amount immediately required to sustain or stabilize the condition during the visit. Female visitors may retain their birth control pills.

Other required medications shall be distributed to the visitor at prescribed times by staff designated by the institution. Any unauthorized items may be secured in a visiting locker and retrieved at the conclusion of the visit.

54020.33.18 Family Visiting Count Procedures

Inmates in the family visiting quarters shall present themselves for count in accordance with institutional procedures. A minimum of four counts per 24-hour period shall be conducted.

Inmates who fail to present themselves for count are subject to disciplinary action and termination of the family visit.

54020.33.19 Unscheduled Inspection/Search of Family Visiting Units

Every effort shall be made to ensure the privacy of the inmate and their visitor(s). However, the safety of persons and security of the institution may require the inspection and/or search of a family visiting unit while a visit is in progress.

The watch commander has the authority to order a search/inspection when the need arises. The watch commander and/or visiting supervisor shall be responsible to ensure that the search/inspection is conducted in a courteous and professional manner.

54020.33.20 Condition and Cleanliness of Family Visiting Units

Each inmate shall be responsible for the care and cleanliness of the family visiting unit during a visit.

Before and after each family visit, the family visiting coordinator and each inmate scheduled to visit, shall conduct a detailed inspection of their assigned unit to verify the unit's condition, cleanliness, and contents. A CDC Form 1069, Family Visiting Inventory, shall be completed by the family visiting coordinator.

Each inmate shall be subject to disciplinary action, which may include suspension from participation in the FVP, for any willful damage of the unit and/or furnishings or for failure to maintain the cleanliness of the FVP unit.

Inmates and/or visitors may be excluded from the FVP for willful damage of the family visiting unit. Prior to each family visit, the inmate shall submit a completed CDC Form 193.

Each family visiting unit shall be thoroughly cleaned by the occupants prior to the conclusion of each visit. Cleaning materials and equipment shall be provided by the institution.

54020.34 Appeals Related to Visiting

Revised May 10, 2010
Visitors who wish to discuss visiting-related issues are encouraged to contact the visiting supervisor for resolution. Interviews shall be conducted or scheduled at the earliest opportunity. Visitors and/or inmates may register complaints/appeals regarding visiting through procedures contained in CCR Section 3179 and DOM Chapter 5, Article 53.

**54020.35 Transfer of Visiting Records**

*Revised April 3, 2014*

The inmate’s visiting file shall be forwarded in accordance with DOM Chapter 7, Article 3.

**54020.36 Revisions**

The Director, Division of Adult Institutions, or designee shall ensure that this Article is accurate and current.

**54020.37 References**

*Revised January 4, 2006*

PC § 2601.

CCR (15) (3), §§ 3000; 3002(a)(2); 3044(c), (d), (e), (f), (g), and (h); 3045 and 3045.1; 3170 through 3178; 3190(a) and (h)(4); 3213 (a)(2) and (3)(c); 3343; and 3383(b)(3).

ACA Standards 4-4498 through 4-4504.

**ARTICLE 43 — INMATE PROPERTY**

*Revised December 30, 2005*

**54030.1 Policy**

Inmates shall be permitted to possess in their quarters/living areas, state-issued and authorized personal property as established in the Authorized Personal Property Schedule (APPS), located in Appendix A, and based upon criteria delineated in Section 54030.7. The APPS is the primary reference for allowable inmate property and identifies limitations to the number of items allowed, dimension restrictions, if applicable, cost/value limitations, etc. The APPS standardizes allowable inmate property departmentwide based upon assigned privilege group and/or assigned security level and/or institution mission, constitutional and legal mandates, and gender considerations. Any requests to add or delete items from the APPS must be forwarded to the Deputy Director, Division of Adult Institutions (DAI), for review and approval prior to implementation. Approved modifications shall be reflected in the institution’s local Operational Procedure regarding Inmate Property. The possession of personal property is a privilege and is subject to conditions and restrictions established in California Code of Regulations (CCR) Sections 3044, 3314, and 3315.

Inmates may not exchange, borrow, loan, give away, or convey personal property to or from other inmates.

*Note:* As a result of the standardization of allowable inmate property, some items are no longer permissible based on the APPS. Non-clear case appliances currently possessed by inmates shall be allowed to be retained until no longer operational. Inmates shall be allowed to retain other items of personal property that are no longer authorized until either transferred or for a period of up to one year after which time they will be considered disapproved property and disposed of per Section 54030.12.2. Processing Disapproved Property. The Authorized Personal Property Schedule (APPS) can be accessed at the following link:

**Authorized Personal Property Schedule (APPS)** (Rev. 4/1/14)

**54030.2 Purpose**

This Section establishes inmate personal property volume limits; describes the forms necessary for the processing of property; establishes liability and methods of acquisition of personal property; lists approval criteria, and describes the approval process for vendors; provides for acquisition of religious items, and the disposal of contraband; establishes protocols for the handling of inmate personal property during transfer, extradition, escape, discharge, and upon death in custody. This Section also establishes a standardized list of allowable personal property items in the form of the APPS, based upon privilege group, and/or assigned security level, and/or institution mission, and a method for institutions to obtain exemptions to the standardized list.

**54030.3 Responsibility**

The institution head shall administer this policy within their respective institutions/facilities.

**Associate Warden Operations**

The Associate Warden, Operations, shall implement and monitor the operation of this procedure.

**54030.4 Volume**

The combined volume of state-issued and authorized personal property shall not exceed six cubic feet, except as specifically allowed in Section 54030.10.

**54030.5 Required Forms**

*Revised July 22, 2013*

Departmental employees involved in the handling of an inmate’s property shall document such involvement on the following CDC forms as appropriate:

**CDCR Form 104, Property and Cash Receipt-Arrival:** A CDCR Form 104 shall be completed by Reception Center staff upon receipt of new arrivals. The CDCR Form 104 is used to document an inmate’s cash, personal securities, and property, and is used to document the proper disposition of unissued property and inmate funds.

**CDC Form 143, Property Transfer Receipt:** A CDC Form 143 shall be required to document the number of containers/boxes of personal property an inmate is transferring with and the progress of containers/boxes in transit. The CDC Form 143 may be used to identify multiple inmates with multiple boxes of property (Bill of Lading).

**CDC Form 160-H, Inmate Property Control Card:** A CDC Form 160-H shall be required to record and maintain a record of all registerable property and its value. The CDC Form 160-H provides accountability to discourage theft and bartering of property of significant value or security interest (e.g., television, radio, handicraft tools, etc.).

**CDCR Form 1083 Inmate Property Inventory:** A CDCR Form 1083 (male or female) shall be completed when there is a need to inventory an inmate’s property (e.g., Administrative Segregation Unit [ASU] placement, inter-institutional transfer, Out to Medical [OTM], Out to Court [OTC], extraporation, property control, etc.), to ensure all property is accounted for and to provide a vehicle for the evaluation of inmate property claims. The CDCR Form 1083 is the only acceptable document for this purpose.

**54030.6 Liability**

In permitting inmates to possess items of personal property while they are incarcerated, the Department does not accept liability for the theft, loss, damage, or destruction of such property resulting from the intentional or careless act or activities or riotous behavior of any inmate(s). The Department does not accept liability for the loss or destruction of personal property in the inmate’s possession or control at the time of any willful act by the inmate, such as escape, which exposes such property to loss or theft before it can be recovered and controlled by staff.

Correctional staff shall assume responsibility for an inmate’s property upon notice that an inmate is being retained elsewhere by taking control of that inmate’s property. If the property cannot be secured, as in a double occupied cell or dormitory, the property shall be removed and stored in a secured area. Normally upon notification of the inmate being retained elsewhere, but within 24 hours, the inmate’s property shall be inventoried, packaged for transfer, and placed in a secure area. A copy of the CDCR Form 1083 signed by the person who inventoried the property, shall be furnished to the inmate.

The Department shall accept liability for the loss or destruction of inmate personal property when it is established that such loss or destruction results from employee action. Inmates shall utilize the inmate appeal process if unable to resolve a personal property claim with staff pursuant to Section 54100. If the issue involves a prescribed health care appliance belonging to an inmate with a documented disability, the inmate may utilize the CDCR Form 1824, Reasonable Accommodation Request, to attempt to resolve the issue. Upon acceptance of liability, staff shall provide similar items of equal or greater value to the inmate when such items are available via donated property items consistent with Section 54100.22. If donated items are not available, monetary compensation to the inmate for such loss shall not exceed either:

- The dollar value as documented on CDC Form 160-H, Inmate Property Card.
- The cost of the item for which they have a receipt.
- The replacement value of a similar item as determined by a custody supervisor.

Staff recommendations to the Victim Compensation and Government Claims Board regarding monetary reimbursement will be made accordingly.

The Department shall not assume responsibility for property abandoned by an escapee. Staff shall inventory the property as specified in these regulations and provide secure storage. The final disposition of the escapee’s
property shall be processed in accordance with Penal Code (PC) Sections 5062 and 5063.

54030.7 Inmate Personal Property Acquisition

Inmate personal property shall not be accepted at the front entrance gate or visiting desks. Inmates may be allowed to acquire specific items of personal property through the following methods:

   Special Purchases

Facilities shall allow for inmates to purchase the below listed items utilizing funds in their inmate trust account. Special purchases of the below listed items shall not be counted as a personal property package. Special purchases must be from departmentally approved, special purchase vendors. Facilities may submit for departmental approval, local special purchase vendors as required, to provide religious items, handicraft material, health care appliances, subscriptions to local newspapers, etc. The facility requesting departmental approval of a special purchase vendor must submit the approval request to the office of the Deputy Director, DAI, along with rationale for approval and a statement that the vendor meets the local facility’s security and business requirements.

   Note: The approval criteria for Personal Property Package vendors established in Section 54030.9 does not apply to special purchase vendors.

   The amount charged an inmate for ordering entertainment appliances, a musical instrument, handicraft material, periodicals, or fiction books as a special purchase shall include a ten percent service charge. Service charges shall be deposited in the inmate welfare fund.

   Special purchases of health care appliances, correspondence courses, nonfiction books, and legal materials are not subject to service charges.

   Facilities will make available to all inmates, procedures for special purchases. Purchases of health care appliances, correspondence courses, religious items, and handicraft material require an inmate to obtain prior approval. Submission of special purchase requests shall be based on established local procedures.

   Health Care Appliances, prescribed by health care staff and subject to approval by designated custody staff. Health care appliances may be purchased by third parties. All health care appliances are to be received by designated health care staff from an approved vendor and inspected by designated custody staff prior to issuance. Health care appliances are not subject to the six cubic foot property limitation or count towards the two appliance limit as described in Section 54030.7 (DOM 54030.11).

   Correspondence Courses and materials subject to approval by designated custody and educational staff. Correspondence courses shall be received by designated education staff and inspected by designated custody staff prior to issuance (DOM 54030.10.3).

   Legal Material, such as legal reference materials and books, legal pads, and pencils not available in the institution canteen. Legal material purchases are to be received by Receiving and Release (R&R) staff and inspected prior to issuance (DOM 54030.10.2).

   Religious Items, subject to approval by designated custody staff and institutional chaplain. Religious items shall be received by the institutional chaplain and inspected by designated custody staff prior to issuance (DOM 54030.10.9).

   Entertainment Appliances/Musical Instruments, as described in the APPS are to be shipped directly from a departmentally approved vendor in factory sealed packages, received by R&R staff, and inspected prior to issuance. Packages that are damaged or opened shall be refused (DOM 54030.10.6).

   Books and Periodicals, purchases and subscriptions shall be submitted according to local procedures and may be purchased for an inmate by a third party.  (Note: For purposes of this Section a departmentally approved vendor is any publisher or book store that does mail order business as outlined in CCR Section 3138(6)(1)).

   Handcraft Material, restricted to inmates approved to participate in the handicraft program.  Handcraft items shall be received by the handicraft manager and inspected by designated custody staff prior to issuance (DOM 54030.10.4).

54030.7.1 Personal Property Packages

Inmates may receive personal property based upon assigned privilege group as specified in Section 54030.8. Items of authorized property shall be limited to the items/categories listed in the APPS contained in Appendix A. Personal property packages shall be ordered by inmates or third parties via a departmentally approved vendor. A departmentally approved vendor may be chosen by an inmate or third party to provide items for inclusion into a personal property package. While no more than one vendor may be used per package, inmates and their correspondents will be able to choose a different vendor for subsequent personal property package purchases. Personal property packages are limited to a 30 pound maximum weight limit and maximum dimensions of 24” x 24” x 24”.

Wardens are authorized to utilize non-departmentally approved vendors for purchases of personal property packages to meet specific religious dietary needs of inmates (kosher, halal, etc.). All religious specialty foods must be consistent with the criteria and categories established in the APPS in Appendix A. Approval of religious specialty vendors shall be at the discretion of the Warden or Warden’s designee (level of Associate Warden or above).

A request for a personal property package purchased from a locally approved religious specialty vendor is subject to approval by designated custody staff and the institutional chaplain. The receipt of a personal property package from a religious specialty vendor shall be counted as a personal property package.

Individual purchases of entertainment appliances and musical instruments by inmates using funds in their trust account or by third party shall not be counted as a personal property package unless additional items of personal property are also included.

Quarterly personal property packages may be received by inmates at any time during a quarterly period. Upon arrival of a package at an institution, designated staff shall verify the eligibility of the inmate to receive the package before issuance. Prior approval is not necessary as the arrival date of a package at an institution shall be the basis for the eligibility determination.

Facilities will make available to all inmates, procedures for the receipt of packages from approved vendors in accordance with limits set for their assigned privilege group. Facilities are responsible for ensuring that current vendor catalogs and order forms are available in the inmate library and visiting room.

When a package is received at a facility with an address insufficient to locate the inmate, staff shall exhaust all avenues of information in locating the inmate before returning the package to the sender including, but not limited to, determining whether the inmate is OTC, OTM, transferred to another institution/jurisdiction, or parole.

Issuance of inmate packages shall be as soon as possible, but not later than 15 calendar days from delivery to the institution, except during the holiday season and emergency lockdowns. For purposes of this Article, the holiday season is designated as beginning on November 15 and ending on January 15.

Institutions may temporarily suspend delivery of inmate packages to all portions of the institution during emergency lockdowns. Upon resumption of normal operations, inmates that are released from lockdown status, housed in an institution/facility experiencing a partial lockdown, shall continue to receive packages within 15 calendar days.

Issuance of packages to inmates affected by lockdown status may be temporarily suspended for up to 90 calendar days (one quarter). After 90 days, issuance of previously stored packages is mandatory. A lockdown shall not result in the loss of a quarterly package.

Packages received for inmates that are on lockdown status may be temporarily stored in appropriate locations designated by the institution/facility. The institution/facility is responsible for identifying and designating adequate storage space, including emergency overflow storage as required, until such time as staff are able to issue packages.

Inmates previously affected by lockdown shall receive unissued inmate packages within 15 days after their release from lockdown status.

Institutions shall not instruct vendors to stop shipment of packages unless authorized by the Deputy Director, DAI. Upon receiving authorization from the Deputy Director, DAI, the institution shall be responsible for notification of the inmate population. The inmates shall be responsible for notification of family or other correspondents.

Packages shall not be returned based solely on the existence of a lockdown.

54030.7.2 Service Charge

The amount charged an inmate for a self-purchased personal property package order shall include normal taxes and a ten percent service charge. Service charges shall be deposited in the inmate welfare fund. This service charge is exclusive of such costs as state sales tax, freight, and handling. Personal property packages sent from third parties via approved vendor shall not be subject to any service charge.
54030.8 Personal Property Package Criteria

Items of personal property may be purchased from approved vendors by third parties of the inmate or directly by the inmate. Authorized items, appliances, or food may be acquired by utilization of this package procedure consistent with the APPS in Section 54030.17. The determining factor in the number of packages an inmate may receive per year is the privilege group in which the inmate is placed in accordance with the work/training program. Inmates may obtain approved appliances and/or musical instruments from approved vendors by having them ordered by correspondents or using the funds in their inmate trust account. A limit of two appliances applies to all inmates based upon the following definition, with the exception of female hair care appliances as described in Section 54030.10.6.

Note: For purposes of this Article, an appliance is defined as:
1) Any electrical appliance, (excluding prescribed medical appliances and battery rechargers) that relies on institution/facility power resources to operate (all electrical appliances are subject to the two appliance limit).
2) Any audio/visual entertainment appliances, such as radios, televisions, cassette/disk players, etc. (all audio/visual appliances are subject to the two-appliance limit, regardless of electric or battery operated power source.)
3) Battery operated, non-entertainment appliances that do not rely on institution/facility power resources (battery operated, non-entertainment appliances are not subject to the two-appliance limit).

Items shall be shipped to the inmate’s respective institution/facility by the approved vendor in a factory sealed container.

It is the responsibility of the inmate and/or the third party to ensure that packages are ordered in advance to ensure adequate delivery time.

The year shall begin January 1 and end on December 31. The quarters are:
1st – January 1 through March 31.
2nd – April 1 through June 30.
3rd – July 1 through September 30.
4th – October 1 through December 31.

Privilege Group A/Privilege Group B

Inmates in Privilege Group A & B shall be allowed four packages per year (one per quarter) not to exceed 30 pounds each.

Privilege Group C

Inmates in Privilege Group C shall not be allowed a Personal Property Package. Inmates prohibited from receiving a package resulting from recent placement into Privilege Group C shall not be allowed to retain a package which was ordered prior to Privilege Group C placement. Disallowed packages shall be disposed of pursuant to Section 54030.12.2.

Privilege Group D

Inmates in Privilege Group D, including those inmates housed in ASU/Security Housing Unit (SHU) and Psychiatric Services Unit (PSU) shall be permitted to acquire one personal property package per year not to exceed 30 pounds each. Eligibility to acquire a personal property package commences one year after the date of Privilege Group D assignment. Inmates in SHU/PSU may also purchase an entertainment appliance via the Special Purchase Process. Eligibility to acquire an entertainment appliance commences one year after the date of Privilege Group D assignment.

Inmates prohibited from receiving a package as a result of ASU placement shall be allowed to retain the package in their stored personal property if the package was ordered prior to ASU placement and the inmate was otherwise qualified to receive it.

Privilege Group U

Inmates in Privilege Group U shall not be allowed a Personal Property Package.

Note: The local Inter-Disciplinary Treatment Team (IDTT) may further restrict or allow additional authorized personal property on a case-by-case basis above that allowed by the inmate’s assigned Privilege Group.

54030.9 Personal Property Package Vendor Approval

Vendors for Personal Property Packages, except those vendors approved locally for special religious foods as provided for in Section 54030.7.1, must receive Department approval prior to providing services to institutions/facilities.

The Deputy Director, DAI, has the authority to establish vendor approval guidelines for Personal Property Packages and to add or remove vendors from the approved list.

Vendors must submit a completed vendor application package to the Deputy Director, DAI. Requests for approval must include all additional materials and catalogs of items provided with prices. The vendor name and contact information will be provided to the institutions/facilities upon approval. It is the intent of the Department to ensure Inmate Package Program catalog items are priced competitively with common retailers in major markets.

The CDCR reserves the right to withdraw any vendor approval subject to 30 calendar day’s written notice to the vendor. However, any agreement can be immediately terminated for cause. The term “for cause” shall mean that the vendor fails to meet the terms, conditions, and/or responsibilities of an agreement. In this instance, the agreement termination shall be effective as of the date indicated on the State’s notification to the vendor.

54030.9.1 Personal Property Package Vendor Criteria

Vendors submitting requests for Department approval shall meet the following minimum requirements:

1. All merchandise offered for sale by the vendor is subject to price comparison. Price comparison shall be conducted by the CDCR during initial vendor approval and throughout the length of any agreement or contract based upon advertised catalog prices.

Vendor prices will be compared with non-sale prices on an identical product for product basis at major retailers in the following major California markets:
- Fresno
- Los Angeles
- Sacramento
- San Diego

A resulting median price for the specific product will be identified. The vendor’s advertised catalog price shall not exceed the median price by more than ten percent.

If identical items are not located during the initial price comparison in the major California markets identified above, the CDCR may extend the price comparison to include other states, if necessary.

If identical items are not located during an extended price comparison, similar items may be relied on as determined by the CDCR. The basis for any price comparison shall be the sole discretion of the CDCR.

The vendor will be notified if the prices of merchandise are in excess of the ten percent limit. If prices are determined by the CDCR to be excessive, the vendor will be requested to reduce prices within the acceptable price range as determined by the CDCR or remove the item from inmate availability. Inability or unwillingness of or by the vendor to comply with a CDCR price reduction/removal request within 30 calendar days of notification shall be cause for termination of any agreement or contract and shall result in disapproval of the vendor to provide services.

2. Vendor shall maintain insurance with Commercial General Liability with Warehouse Legal Liability for a minimum of $1,000,000 per occurrence.

3. Vendor shall possess a valid California city or county business license (if applicable) or if a corporation located within the State of California, incorporation documents or letter from the Secretary of State or if not a California business, an affidavit that the business is in good standing with the state, province, or country in which business is headquartered.

4. Vendor must provide a self-certified Inventory Report showing a minimum of $250,000 worth (advertised retail value) of merchandise on premises (subject to physical verification by the CDCR).

5. All merchandise purchased by a single order must be packaged in one single container. Multiple boxes are not permitted.

6. Must provide copies of CDCR approved catalogs and order forms, free of charge, to institutions/facilities. Catalog must indicate prices for all items and expiration dates of prices. Prices advertised in catalogs must have a guaranteed minimum term of 12 months.

7. Upon vendor approval, all catalogs, order forms, and web sites must prominently display the following disclaimer:

The California Department of Corrections and Rehabilitation (CDCR) has approved this independent vendor to sell merchandise to inmates and the public. CDCR’s brief review and approval of this vendor was strictly limited to minimum security requirements and general business intent. The CDCR is not affiliated with this vendor and does not guarantee that the vendor will fulfill any obligations, perform as expected, nor permanently remain in business, nor does the CDCR guarantee the vendor’s products in any way. Any purchases from this vendor are at the buyer’s sole risk. The CDCR assumes no liability whatsoever for such purchases, nor any aspect
understood and will not be reason for disapproval of a vendor. Vendors must be capable of supplying packages within no more than 10 days after purchase. Occasional delays in shipments are expected. Vendors must employ the security measures described in the APPS located in Appendix A for more information.

11. Items listed in catalogs must regularly be in stock. Catalogs and order forms shall clearly indicate that back orders or substitutions shall not be permitted. In the event that an item is out of stock, a refund will be issued to the purchaser.

12. Two copies of the purchase receipt or shipping invoice shall be included in each package and a copy shall be forwarded to the purchaser if purchased by a non-inmate. (E-mail confirmation is acceptable for orders placed over the Internet.)

13. Maximum allowable package weight is 30 pounds. This weight limit includes merchandise, packing material, and packaging (tare weight). Packages in excess of 30 pounds shall not be accepted and returned at the vendor’s expense.

14. The catalogs and web sites must include the shipping weight of each individual item and a method of calculating the total gross weight of the inmate package as customers are limited to a gross weight of 30 pounds or less.

15. Maximum allowable package dimensions are 24” x 24” x 24”.

16. All catalogs and web sites must clearly inform customer of the 30 pound weight limit.

17. All packages must be labeled either Privilege Group A/B or Privilege Group D based upon the contents of the package. Privilege Group D packages may only contain items authorized for Privilege Group D.

18. The vendor’s return policy must be clearly stated in catalogs and on web sites. The CDCR shall not be a party in any dispute between the vendor or the purchaser.

19. The vendor is responsible to correct any errors in package contents. When an incorrect item is received in a vendor package, CDCR staff shall verify and may contact the vendor to request a United Parcel Service call tag in order to ship the incorrect item back to the vendor. This does not preclude individual facilities from alternative methods of resolution.

20. Must restrict knowledge of identities of both package recipients and purchasers from staff responsible for assembling packages.

21. Vendor staff responsible for receiving orders, assigning purchase order numbers, and/or secure numerical identifiers shall not be allowed to assemble packages.

22. Vendors must conduct pre-employment urinalysis testing on all employees and provide evidence of such on demand.

23. Vendors must provide names and identification information of all staff on demand. Current state driver’s licenses are accepted as valid identification.

24. Vendors employing staff possessing felony convictions less than 10 years old shall be disqualified. Vendors employing staff possessing drug-related arrests or convictions less than 5 years old shall be disqualified.

25. Vendors must be willing to submit to, and cooperate with, frequent CDCR inspections without notice.

26. Vendors’ receiving, packaging, and shipping areas must be monitored by a Closed Circuit Television System. Video tapes or other medium providing a record of activities in packaging and shipping areas must be maintained for a minimum of 30 days. All videos must provide a date and time stamp and the ability to identify vendor staff.

27. Vendors must employ the security measures described in Section 54030.9.2.

28. Packages must be sealed with tamper resistant tape.

29. Approval and use of vendors must result in no expense to the CDCR.

30. Vendors must be capable of supplying packages within no more than 10 days after purchase. Occasional delays in shipments are understood and will not be reason for disapproval of a vendor.

31. Institution personnel shall maintain a verified copy of the shipping invoice in order to assist in the resolution of any disputes between the vendor and the purchaser. However, all order disputes are solely between the purchaser and the vendor and must be settled without additional involvement of the CDCR.

54030.9.2 Shipping Security
Prior to each shipment of packages, the vendor shall provide the receiving institution a shipping manifest containing inmate names, CDC numbers, and a list of secure numerical identifiers (confidential purchase order numbers) that corresponds to each package shipped. The shipping manifest shall be sent to the institution via e-mail or facsimile (FAX) as determined by the institution. Under no circumstances shall the shipping manifest accompany the shipment of packages.

Packages shall display only the secure numerical identifier. Neither the inmate’s name, CDC number, shipping manifest containing secure numerical identifiers, nor any other inmate identifying information may be shipped with a package. Standard shipping labels may be used, but shall only provide the vendors return address, the institution’s address, and the secure numeric identifier. The numeric identifier and inmate’s Privilege Group shall be clearly displayed on each package to facilitate comparison with the shipping manifest.

54030.10 Property Classifications/Restrictions
The following subsection gives direction on the control, possession, recording, and disposition of inmate property.

54030.10.1 Food and Hygiene
Inmates may possess food and personal care/hygiene items in their quarters/living area consistent with their privilege group unless otherwise prohibited by departmental policy as outlined in CCR Section 3190(a). The maximum amount of food and personal care/hygiene items an inmate may possess shall not exceed the amount which can be purchased through the canteen by the inmate in one month, as required by CCR Section 3094 and as described in CCR Section 3190(e). Inmates shall be required to maintain their purchase receipt to verify purchases until such items are expended. Possession of canteen items (personal hygiene and other miscellaneous items), except for consumable food items, shall be consistent with the six cubic foot limitation.

Inmates shall be permitted to temporarily exceed the six cubic foot volume limit by the amount of the current month’s purchase of consumable food items verifiable by the current month’s canteen receipt. By the following month’s canteen draw, the inmate is expected to be within established volume limits.

In the event the inmate does not comply with these provisions for consumable food items (canteen in excess of the one month standard as described in CCR Section 3094 or exceeds the temporary excess allowed for consumable food items or is not able to produce a receipt for items) as described above, the inmate will be required to dispose of property of his/her choice pursuant to Section 54030.12.2 to become compliant with the volume limitation policy.

54030.10.2 Legal Materials
Inmates may possess legal materials/documents and/or books in their quarters/living area consistent with the six cubic foot limitations, except as otherwise set forth in this Section. In addition to the six cubic feet limitation of authorized property as set forth in this Article, inmates may possess up to one cubic foot of legal materials/documents related to their active cases in their assigned quarters/living area. Inmates may request that the institution/facility securely store excess legal materials/documents related to their active case(s) when such materials/documents exceed this one cubic foot additional allowance. Only that material in excess of the additional one cubic foot shall be stored. Note: An active case may be defined as any legal action, cause, suit, writ, etc. that an inmate is currently involved in writing or responding to. A suitable area as designated by the Warden shall be reserved for the storage of excess legal material. A log record of materials(stored showing inmate’s name, number, date of storage, and the materials receipt and removal shall be required. The material shall be placed in a box and sealed at the time of storage with the initials of the inmate and staff member involved. When the material is removed, the inmate shall acknowledge its removal by signing the log record.

Upon an inmate’s request, staff shall schedule appointments for the inmates to have access to their stored materials. Inmates shall have access to their stored legal material one time per week, if they have an active case.
Inmates assigned to ASU/SHU/PSU shall provide the necessary identifying information for staff to access stored legal material. The inmate is responsible for organizing stored legal material in a manner that allows staff to identify a specific box for exchange. Legal books shall not be stored by the institution/facility. Inmates who require access to the excess active case legal materials/documents from secured storage may exchange such documents for active case materials/documents in their quarters/living area upon written request to the property coordinator or designee on a box-for-box basis while adhering to the limitations set forth in this Section. Legal materials/documents and books that do not pertain to the inmate’s active case(s) and are in excess of the allowable property limitation shall be disposed of pursuant to Section 54030.12.2.

54030.10.3 Correspondence Course Materials
Inmates may possess correspondence course materials, including textbooks, in their quarters/living area as approved by the Supervisor of Correctional Education Programs (SCEP) or designee and designated custody staff consistent within the six cubic feet limitation. Correspondence courses requiring tools, construction kits, or other materials that may pose a threat to the institution’s security or the safety of persons shall not be allowed. The SCEP or designee shall provide the inmate with a CDC Form 128B, General Chrono, indicating approval of the course and materials supplied. The inmate must display the Chrono conspicuously in their quarters/living area.

54030.10.4 Inmate Handicraft
Inmates who participate in handicraft programs may possess in their quarters/living area, handicraft articles, and written and artistic material produced or created by that inmate, consistent with departmental regulations and within the six cubic feet limitation. Facilities may designate additional storage for handicraft articles and materials based upon availability of space. Excess handicraft items, articles, or materials in an inmate’s possession shall be confiscated and disposed of in accordance with Section 54030.12.2.

54030.10.5 Education Materials
In addition to the six cubic feet limitation of authorized property as set forth in this Article, inmates who are assigned to institution Academic or Vocational Educational Programs shall be allowed to possess State provided textbooks/materials necessary to complete their education requirements in their quarters/living area. Inmates must sign a CDC Form 193, Trust Account Withdrawal, for replacement costs prior to being issued the property. The inmate must display the property coordinator or designee on a box-for-box basis while adhering to the limitations set forth in this Section. Legal materials/documents and books that do not pertain to the inmate’s active case(s) and are in excess of the limitations set forth in this Section. Legal materials/documents in their quarters/living area upon written request to the property coordinator or designee on a box-for-box basis while adhering to the limitations set forth in this Section. Legal materials/documents and books that do not pertain to the inmate’s active case(s) and are in excess of the allowable property limitation shall be disposed of pursuant to Section 54030.12.2.

54030.10.6 Appliances / Musical Instruments
Privilege Groups A and B
Inmates assigned to Privilege Group A or B may possess up to two appliances, with the exception of female hair care appliances, as indicated in Section 54030.8. Based upon inmate grooming standards as described in CCR Section 3062(f) female inmates may possess up to three appliances when one of the appliances is a hair care appliance.

Note: In order to facilitate female hair care needs, female institutions shall maintain a hairdryer in each housing unit for inmate use. One musical instrument with case may be substituted as one of the two appliances in their quarters/living area consistent with the six cubic foot limitations. When an inmate assigned to Privilege Group A or B is placed in Administrative Segregation, any appliances and/or musical instrument shall be inventoried and stored pending the outcome of ASU placement. If the inmate is released back to the general population and maintains their Privilege Group A or B status, the appliance(s) and/or musical instrument shall be returned to the inmate. If the inmate receives a SHU/PSU term, the inmate shall be required to dispose of the appliance(s) and/or musical instrument in accordance with Section 54030.12.2.

Privilege Groups C and U
Inmates assigned to Privilege Group C or U may not possess any appliances (i.e., television, radio, CD player, etc.) or musical instruments, nor may they purchase any electrical entertainment or battery-operated type of appliances. When an inmate is placed on Privilege Group C via a classification committee action, the inmate shall be required to dispose of any appliance(s) and/or musical instrument in accordance with Section 54030.12.2.

Privilege Group D (ASU/SHU/PSU)
Inmates assigned to ASU may not possess any appliances or musical instruments.

Inmates assigned to SHU/PSU may possess and/or acquire through the inmate personal property package process or Special Purchase process, one entertainment appliance as outlined above and as identified in the APPS located in Appendix A. Eligibility to receive an entertainment appliance commences one year after date of Privilege Group D assignment. Inmates assigned to Privilege Group D may not possess a musical instrument.

54030.10.6.1 Additional Appliance/Musical Instrument Requirements
Inmates housed in conservation camps shall not possess personal television sets.

Privilege Groups C and U
Inmates assigned to Privilege Group C or U may not possess any appliances (i.e., television, radio, CD player, etc.) or musical instruments, nor may they purchase any electrical entertainment or battery-operated type of appliances. When an inmate is placed on Privilege Group C via a classification committee action, the inmate shall be required to dispose of any appliance(s) and/or musical instrument in accordance with Section 54030.12.2.

Privilege Group D (ASU/SHU/PSU)
Inmates assigned to ASU may not possess any appliances or musical instruments.

Inmates assigned to SHU/PSU may possess and/or acquire through the inmate personal property package process or Special Purchase process, one entertainment appliance as outlined above and as identified in the APPS located in Appendix A. Eligibility to receive an entertainment appliance commences one year after date of Privilege Group D assignment. Inmates assigned to Privilege Group D may not possess a musical instrument.

54030.10.6.2 Repair of Appliances
In the event of a malfunctioning appliance, the inmate shall be responsible for returning the unit to R&R for shipment to an authorized repair vendor or institution vocational repair shop, if available. The inmate shall have a minimum of $50 on their trust account for estimates only. If the unit costs more to repair, the inmate shall be contacted regarding the cost. The inmate must forward the necessary funds to the vendor prior to repair.

Inmates are prohibited from keeping inoperable appliances in their possession. Appliances that cannot be repaired or for which the inmate has insufficient funds for repair shall be disposed of per Section 54030.12.2.

54030.10.7 Clear Technology
Inmates shall be restricted to only clear personal care/hygiene items encased in clear containers or tubing based upon availability. An exemption from using clear personal care/hygiene items encased in clear containers or tubing shall only be authorized by the institution’s health care manager or chief medical officer and only when an exemption is deemed medically necessary by a physician. Such exemption shall not exceed one year. If the condition persists, another exemption request shall be submitted by the inmate.

Inmates ordering new or replacement appliances shall be required to purchase clear-case appliances. Non-clear case appliances shall be eliminated through attrition.

Musical instruments and case combined dimensions shall not exceed 46” x 24” x 12”.

54030.10.8 Personal Clothing
Inmates shall be restricted to only clear personal care/hygiene items encased in clear containers or tubing based upon availability. An exemption from using clear personal care/hygiene items encased in clear containers or tubing shall only be authorized by the institution’s health care manager or chief medical officer and only when an exemption is deemed medically necessary by a physician. Such exemption shall not exceed one year. If the condition persists, another exemption request shall be submitted by the inmate.

Inmates ordering new or replacement appliances shall be required to purchase clear-case appliances. Non-clear case appliances shall be eliminated through attrition.

Inmates are prohibited from keeping inoperable appliances in their possession. Appliances that cannot be repaired or for which the inmate has insufficient funds for repair shall be disposed of per Section 54030.12.2.

54030.10.9 General
Inmates are prohibited from possessing clear-case appliances in their possession. Appliances that cannot be repaired or for which the inmate has insufficient funds for repair shall be disposed of per Section 54030.12.2.

54030.10.8 Personal Clothing
Inmates shall be restricted to only clear personal care/hygiene items encased in clear containers or tubing based upon availability. An exemption from using clear personal care/hygiene items encased in clear containers or tubing shall only be authorized by the institution’s health care manager or chief medical officer and only when an exemption is deemed medically necessary by a physician. Such exemption shall not exceed one year. If the condition persists, another exemption request shall be submitted by the inmate.

Inmates ordering new or replacement appliances shall be required to purchase clear-case appliances. Non-clear case appliances shall be eliminated through attrition.

Inmates are prohibited from keeping inoperable appliances in their possession. Appliances that cannot be repaired or for which the inmate has insufficient funds for repair shall be disposed of per Section 54030.12.2.

54030.10.9 General
Inmates are prohibited from possessing clear-case appliances in their possession. Appliances that cannot be repaired or for which the inmate has insufficient funds for repair shall be disposed of per Section 54030.12.2.

Note: Inmates housed at conservation camps shall not possess personal television sets.
54030.10.9 Religious Items
Personal religious items may be authorized as described in, but not limited to, Section 101060. Inmates may possess authorized religious items consistent within the six cubic feet limitation. Religious items are subject to approval by designated custody staff and the institutional chaplain. Custody staff shall consult institutional chaplains and spiritual leaders whenever possible when considering the disapproval of religious items.

Procedures
Institutional chaplains shall be responsible for approving all inmate requests for spiritual items. Spiritual packages must be received from an approved, recognized vendor and must be received in one of the following ways: Purchased by a third party from an approved vendor. Purchased by the inmate from an approved vendor. Items arriving via family or friends, or items shipped from other than approved, recognized vendors, shall be disposed of in accordance with Section 54030.12.2.

54030.10.10 Membership Cards
Inmates shall not possess any membership cards, identification cards, or service-type cards other than those issued by the Department.

54030.10.11 Contraband
Anything not permitted or in excess of the maximum quantity permitted or no longer functioning as designed or that have been modified or tampered with or which is received or obtained from an unauthorized source is contraband. Possession of contraband may result in disciplinary action and confiscation of the contraband (CCR 3006).

The inmate shall be given a written notice for any item(s) of personal and authorized State-issued property that is removed from their quarters during an inspection/search and the disposition made of such property. The notice shall also list any contraband or any breach of security noted during the inspection/search.

54030.11 Health Care Appliances
Approval for an inmate to permanently or temporarily possess or retain a health care appliance requires a clinical prescription for the appliance and shall be documented on a CDC Form 128C Medical, Psych, Dental, Chrono. Inmates shall be allowed to retain possession of a prescribed health care appliance until a health care evaluation is performed providing that safety and security of the institution/facility will not be compromised. Health care appliances are not subject to the six cubic foot volume limitation nor count towards the two-appliance limit as described in Section 54030.8.

Approved health care appliances include durable medical equipment, assistive devices, adaptive equipment, prosthetic or orthotic appliances, or equipment or medical support equipment, which include, but are not limited to:
- Eyeglasses.
- Prosthetic Eyes.
- Dental prosthesis.
- Prosthetic limbs.
- Orthopedic braces or shoes.
- Hearing aids.
- Wheelchairs.
- Canes.

54030.11.1 Disallowance of Health Care Appliances
Following review and/or inspection of the appliance should custody supervisor determine that a significant safety or security concern appears to exist, the institution Health Care Manager, Chief Medical Officer, Chief Physician and Surgeon, or Chief Dentist, Correctional Health Services Administrator, or Physician on Call, or Medical Officer of the Day shall be consulted immediately to determine actions required to safely accommodate the affected inmate-patient’s needs. Accommodation appropriate to the safety and security of the institution may include, but should not be considered limited to:
- Modification of the appliance. If this alternative is chosen, equivalent, effective, alternative accommodation must be provided the inmate/patient while the original appliance is being modified.
- Replacement of the appliance with an acceptable one. If this alternative is chosen, equivalent, effective, alternative accommodation must be provided the inmate/patient while the alternate appliance is being procured.
- Special housing. If this alternative is chosen, and housing in a medical bed is required because of nursing care needs that would not be necessary if the inmate/patient could be allowed an effective appliance, the inmate/patient must be seen as being housed solely on the basis of a disability.

Substitution of non-medical personal services for an appliance (where Inmate Assistant programs have been established) or expedited transfer to an institution where such programs exist.

54030.12 Property Issuance
When issuing items of property to an inmate, whether originating from a special purchase or an inmate package, issuing staff are required, at a minimum, to visually observe and physically hand each item of registerable and non-registerable property to the inmate. Staff shall not be responsible for conducting an inventory of non-registerable property during the issuance process.

At the completion of the issuance process, the inmate shall verify that the property is correct as compared with the shipping invoice contained inside the package by signing the staff copy of the shipping invoice. If a discrepancy is identified, the inmate is responsible for showing the discrepancy to staff who shall note the discrepancy on the staff copy of the invoice. The copy of the invoice is retained by the institution/facility for a minimum of one year and one copy of the invoice is provided to the inmate. While resolution of discrepancies is strictly between the purchaser and the vendor, the copy of the invoice maintained by institutional staff shall serve as verification of any discrepancy claims.

54030.12.1 Property Registration
Personal property items, which are not consumable and that possess enough intrinsic value to be a significant target for theft or bartering, are considered registerable property. Registerable personal property is identified in the APPS located Appendix A.

When designated items are identified as registerable, such items must be registered under the inmate’s name and number on the CDC Form 160-H, Inmate Property Control Card. Staff shall include the purchase date and purchase price, and attach a copy of the purchase receipt to the CDC Form 160-H, if available.

It is the responsibility of the inmate to account for all registerable property listed on the CDC Form 160-H. Staff shall document inmate property cannot account for on appropriate forms (CDC 128 A, CDC 115).

The inmate, in writing, shall report all registerable property that is lost, stolen, or worn-out to R&R personnel as soon as the loss or unusable wear is discovered. A description of the item(s) and the circumstances surrounding the loss shall be included in the report.

54030.12.2 Processing Disapproved Property
Unauthorized inmate personal property, including that which is altered, exceeds volume limitations, or is beyond repair, shall be disposed of in accordance with the provisions of this Section. The institution shall not store unauthorized inmate property except as provided for inmates placed in ASU as provided for in Section 54030.13.2.

Inmates shall sign the CDCR Form 1083 indicating their choice of special purchase or an inmate package, issuing staff are required, at a minimum, to visually observe and physically hand each item of registerable and non-registerable property to the inmate. Staff shall not be responsible for conducting an inventory of non-registerable property during the issuance process.

Mail the item to an address provided by the inmate via United States Postal Service (USPS) or common carrier at the inmate’s expense. This option is not available for inmates with insufficient funds in their trust account. 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 funds in their trust account.

Note: Unopened packages received by the institution via USPS or common carrier for an inmate ineligible to receive a package, may be returned to sender at no expense.

Donate the item to a charitable organization as designated by the institution/facility.

Donate the item to a charitable organization as designated by the institution/facility.

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

Failure to provide an address of an individual willing to accept the personal property will result in the property being donated to a charitable organization, donated to the institution/facility, or render as useless and dispose of per institution/facility procedures. Inmates are not permitted to send their property to any State agency or agent of the State. Failure to comply may result in disciplinary action.
Movement of Personal Property

The following subsection gives direction, disposition, and processing of inmate property when being transferred, placed in ASU, out-to-court, medical, or extradition.

Transfers

Upon an inmate’s transfer between institutions of the Department, the sending institution shall inventory the inmate’s property on a CDCR Form 1083. R&R staff shall account for all personal property and document the disposition of any property not allowed at the receiving institution. For purposes of inmate transport, canteen and hygiene are included within the six cubic feet of allowable property.

The APPS shall be used as the basis for determination of property decisions. Changes in an inmate’s privilege group and volume limitations are addressed in the APPS located in Appendix A.

When the inmates report to R&R with their personal property, they shall be informed that any item that cannot be transported or will not be accepted at the receiving institution based upon a change to privilege group shall be disposed of by the methods outlined in Section 54030.12.2.

A signed copy of the CDCR Form 1083 shall be placed in each box containing the inmate’s personal property. A copy shall also be provided to the inmate and a copy retained by the sending R&R and receiving institution to facilitate the resolution of inmate property claims. The receiving institution shall document the disposition of any disallowed property items that were not identified and confiscated by the sending institution.

The CDC Form 143 shall be completed by R&R staff and a copy shall be provided to transporting staff.

All boxes/containers used to transport inmate property shall not exceed 24” x 24” x 24” maximum dimensions nor contain in excess of 30 pounds of property each.

All health care appliances belonging to an inmate shall be transported with the inmate upon transfer. Upon an inmate paroling, all health care appliances permanently issued to the inmate shall be retained and maintained by him/her. Health care appliances temporarily issued to the inmate for use during incarceration shall be retained at the institution.

Temporary Placements, Transfers, and Returns

Administrative Segregation

Unissued authorized property for inmates on ASU status shall be inventoried by appropriate staff and stored in areas designated for property storage pending the outcome of ASU placement. Property inventory shall be completed in accordance with Section 54030.6.

Upon initial ASU placement, the institution must provide the inmate basic hygiene and writing materials, (i.e., fish kit). In addition, the inmate shall be provided access to his/her personal address book and stamps in order to facilitate access to correspondents and the courts.

If the Institution Classification Committee retains the inmate in ASU after initial ASU review, the inmate shall have access to canteen as provided for in Section 54070.6.1 based upon a schedule determined by the facility. Additionally, the inmate shall have access to all authorized personal property as determined by the APPS located Appendix A.

If the inmate is released back to the general population and maintains his/her original Privilege Group status, the personal property shall be returned to the inmate. If the inmate receives a SHU/PSU term, the inmate shall be required to dispose of all unauthorized property prior to transfer in accordance with Section 54030.12.2.

The property of inmates on temporary transfer status shall be processed as follows:

Out-To-Court

Inmates going out-to-court who are not returning the same day shall report to R&R with all of their personal property. R&R staff shall inventory and store the property until the inmate returns from court. If an inmate is paroled or discharged while on out-to-court status, all tangible property, such as clothing, appliances, and paperwork shall be stored for a period of one year. Intangible property, such as inmate funds, shall be maintained for a period of three years.

In institutions that have authorized property storage areas within the housing unit, staff from the respective unit may inventory and store the inmate’s property.

Hospital/Out-Patient Housing Unit (OHU) / Correctional Treatment Center (CTC)

Inmates transferring to the hospital, OHU, or CTC who are not returning the same day shall turn in all property to the housing unit officer or R&R. The property shall be inventoried and properly stored in accordance with this Section until the inmate returns from the hospital/OHU/CTC.

Inmates going to the hospital/OHU/CTC and returning the same day shall not be required to store their property in the property room.

Inmates placed in the hospital/OHU/CTC due to accident or emergency shall have their property collected, inventoried, and stored in R&R (or other approved area) by the housing unit officer or designee.

Inmates transferring on medical and return status to other institutions shall store their property in R&R or other designated areas.

Return

Upon release/return from the hospital/OHU/CTC or special housing units, the inmate’s property shall be returned. The inmate shall be provided an opportunity to sign the property inventory form acknowledging receipt of the property. Issuing staff shall also sign the property inventory form acknowledging the inmate’s receipt or refusal to sign.

Extradition

Inmates or parolees requiring extradition transport from any state or territory of the United States are personally responsible for the disposition of their personal property. It is the inmate’s responsibility to make arrangements with the holding agency for the disposal, storage, or mailing of their property prior to being transported by extradition agents. Extradition agents shall not be responsible for inmate property left at the sending agency/institution.

At no time shall inmate property be checked onto airplanes or transported in the baggage compartment of the aircraft. The only exception is wheelchairs or other prescribed health care appliances.

Inmates being extradited shall not retain any property on their personal except prescribed medications and health care appliances as necessary, e.g., prescribed eyeglasses. Only authorized property that can fit into a 10” x 12” clasp envelope including, but not limited to, jewelry, wallet, watch, family pictures, or printed material shall be allowed to be transported with the prisoner.

Inmate property shall be inventoried on a CDCR Form 1083. A copy of the CDCR Form 1083 shall be placed in the sealed envelope, a copy shall be provided to the inmate, and a copy shall be retained by the extradition agent. The envelope shall then be secured in the agent’s carry-on baggage or secured compartment in a transportation vehicle.

The inmate may wear his/her own clothing and shoes if deemed appropriate for transport purposes by the assigned State agents.

Inmates being extradited from the CDCR to other jurisdictions, states, or territories of the United States may be allowed to retain all or a portion of their property as determined by the transporting extradition agent. In cases where personal property is not permitted to be transported, inmates shall be provided the opportunity to select appropriate disposition of their property as follows:

Inmates permanently transferring to the custody of another agency shall be provided with the opportunity to mail all property to an address of their choosing via the USPS or common carrier at the inmate’s expense.

Indigent inmates shall have property shipped to an address of their choosing at the CDCR’s expense.

Note: If no address is provided or previously mailed property is returned as undeliverable, all tangible property shall be placed in storage for a period of one year. Intangible property shall be maintained for a period of three years.

If no claim is made on the property after expiration of time frames, final disposition shall be in accordance with PC Sections 5062 and 5063.

Inmates temporarily transferring OTC and other temporary transfers, shall have property stored pending their return to CDCR custody. All property will remain in storage until the inmate is either returned to CDCR custody or paroled or discharged. If paroled or discharged, all tangible property shall be stored for a period of one year. Intangible property shall be maintained for a period of three years.

Inmates not made on the property after expiration of time frames, final disposition shall be in accordance with PC Sections 5062 and 5063.

Release Clothing

Inmates scheduled for parole or awaiting discharge may be sent a release-clothing package via USPS or common carrier no earlier than 30 days prior to their scheduled parole or discharge date. Inmate release-clothing packages, limited to one set of clothing, shall be retained in a secure location by departmental staff.

54030.13.13 Release Clothing

Inmates scheduled for parole or awaiting discharge may be sent a release-clothing package via USPS or common carrier no earlier than 30 days prior to their scheduled parole or discharge date. Inmate release-clothing packages, limited to one set of clothing, shall be retained in a secure location by departmental staff.
54030.15  Escapes' Property
The Department shall not assume responsibility for property abandoned by an escapee until such time as the escape is discovered and the property is inventoried.
All personal property of escapees shall be inventoried and transferred to the investigating lieutenant. In accordance with PC Section 5062 tangible property shall be stored for a period of one year. Intangible property shall be maintained for a period of three years. Final disposition of property shall be in accordance with PC Sections 5062 and 5063.

54030.16  Deceased Inmate Property
All personal property of a deceased inmate shall be inventoried on a CDCR Form 1083 and stored in a location designated by the Warden. The deceased inmate’s Central File shall be reviewed for written directions of the decedent as to the next-of-kin. The deceased inmate’s property shall be shipped to the next of kin as designated on the SOMS – Notification in Case of Death, Serious Injury, or Serious Illness, at the inmate’s expense. If funds are not available in the inmate’s trust account, the property shall be shipped to the person designated on the SOMS – Notification in Case of Inmate Death, Serious Injury, or Serious Illness only after contact and willingness to receive property is established.
If no willing recipient can be identified or previously mailed property is returned as undeliverable, all tangible property shall be placed in storage for a period of one year. Intangible property shall be maintained for a period of three years. If no claim is made on the property after expiration of time frames, final disposition shall be in accordance with PC Sections 5062 and 5063.

54030.17  Revisions
The Deputy Director, DAI, or designee shall ensure the contents of this Section are current.

54030.18  References
PC §§ 2085, 2600, 2601, 5054, 5058, 5061, 5062, 5063.
CCR (15) (3) §§ 3002, 3006, 3010, 3044, 3064, 3092, 3101, 3102, 3151, 3152, 3161, 3164, 3175(f), and (m), 3190, 3191, 3193, 3287, 3331(c), 3343(g).
ACA Standards 4-4292 through 4-4294.
Case No. 117925, In the Superior Court of the State of California for the County of Marin.

ARTICLE 44 — PRISON RAPE ELIMINATION POLICY
Revised May 15, 2018

54040.1  Policy
The California Department of Corrections and Rehabilitation (CDCR) is committed to providing a safe, humane, secure environment, free from offender on offender sexual violence, staff sexual misconduct, and sexual harassment. This will be accomplished by maintaining a program to address education/prevention, detection, response, investigation, and tracking of these behaviors and to address successful community re-entry of the offender. CDCR shall maintain a zero tolerance for sexual violence, staff sexual misconduct and sexual harassment in its institutions, community correctional facilities, conservation camps, and for all offenders under its jurisdiction. All sexual violence, staff sexual misconduct, and sexual harassment is strictly prohibited. This policy applies to all offenders and persons employed by the CDCR, including volunteers and independent contractors assigned to an institution, community correctional facility, conservation camp, or parole.

Retaliatory measures against employees or offenders who report incidents of sexual violence, staff sexual misconduct or sexual harassment as well as retaliatory measures against those who cooperate with investigations shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent a staff or offenders from reporting the incident(s) or cooperating with investigation of an incident(s).

54040.2  Purpose
The purpose of this policy is to ensure compliance with Public Law 108-79, the Prison Rape Elimination Act of 2003 (PREA), California Assembly Bill 550 (Chapter 303, Statutes of 2005), the Sexual Abuse in Detention Elimination Act, and 28 Code of Federal Regulations, Part 115, National Standards to Prevent, Detect, and Respond to Prison Rape. It will provide guidelines for the prevention, detection, response, investigation, and tracking of sexual violence, staff sexual misconduct and sexual harassment against CDCR offenders. A further purpose of this policy is to provide guidelines for the successful community re-entry of offenders.
Lastly, this policy informs staff of their responsibility and liability as specified in the law.

54040.3  Definitions
Aggressor
A person who attempts to commit, or commits sexual violence, staff sexual misconduct or sexual harassment.

Bisexual
A person who is sexually attracted to both sexes.

Coercion
A threat, however communicated, to commit an offense; to inflict bodily injury in the future on the person threatened or another, to accuse a person of any offense, to harm the credit or business reputation of any person, to take or withhold action as a public servant, or to cause a public servant to take or withhold action.

Cross-Gender
Of the opposite biological sex. Example: Male Custody Staff patting down female Inmates is cross-gender searching.

Gay
A male person who is attracted to people of the same gender.

Gender Expression
A person’s expression of his/her gender identity, including appearance, dress, mannerisms, speech, and social interactions.

Gender Identity
Distinct from sexual orientation and refers to a person’s internal, deeply felt sense of being male or female.

Gender Non-conforming
Gender characteristics and/or behaviors that do not conform to those typically associated with a person’s biological sex.

Intersex
An individual born with external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems that do not seem to fit typical definitions of male or female.

Lesbian
A female person who is attracted to people of the same gender.

LGBTI
An acronym that refers to sexual minorities, including lesbian, gay, bisexual, transgender and intersex.

Locally Designated Investigator (LDI)
The Investigative Services Unit Investigator or other designated institutional staff who have been trained to conduct investigations into allegations of sexual violence and/or staff sexual misconduct.

“Need to Know” basis
When the information is relevant and necessary in the ordinary performance of that employee or contractor’s official duties.

Non-consensual
Not giving permission for or consent to an action being taken by another person.

Offender
Any inmate, ward, parolee, or other person currently under the jurisdiction of the CDCR.

PREA Compliance Manager (PCM)
Institutional employee with sufficient time and authority to coordinate the institutions efforts to comply with the CDCR Prison Rape Elimination Policy.

PREA Coordinator
Any inmate, ward, parolee, or other person currently under the jurisdiction of the CDCR.

PREA Compliance Manager (PCM)
Institutional employee with sufficient time and authority to coordinate the institutions efforts to comply with the CDCR Prison Rape Elimination Policy.

PREA Coordinator
Agency wide Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all institutions.

Rape
Refer to PC Section 261.

Sexual Violence (committed by offenders) will Encompass:
Abusive Sexual Contact
Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Nonconsensual Sex Acts
Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND contact between the penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

Sexual Assault Response Team (SART)
A coordinated interdisciplinary team of law enforcement, prosecution, contract medical, and advocacy experts collaborating to meet the forensic needs of the criminal justice system, and the medical and emotional needs of the victim of sexual violence or staff sexual misconduct.

In the CDCR, unless an institution has been previously authorized for contracted on-site SART exams, they will utilize the resources available via contract at the local community hospital for SART examination of the victim and offender-suspect.

Sexual Harassment by an Offender (towards an offender)
Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

Staff Sexual Harassment (towards an offender)
Repeated verbal comments or gestures of a sexual nature to an offender by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff Sexual Misconduct
Any threatened, coerced, attempted, or completed sexual contact, assault or battery between staff and offenders.

Any sexual misconduct by staff directed toward an offender, as defined in California Code of Regulations (CCR), Title 15, Section 3401.5 and Penal Code (PC) Section 289.6. The legal concept of “consent” does not exist between staff and offenders; any sexual behavior between them constitutes sexual misconduct and shall subject the staff member to disciplinary action and/or to prosecution under the law.

Staff
Any person employed by the CDCR, including employees, volunteers, and independent contractors assigned to an institution, community correctional facility, conservation camp, parole, or headquarters. Employee refers to those individuals who are appointed through civil services employment laws and assigned to a CDCR institution.

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

Transgender Man
A person whose birth sex was female but who understands oneself to be, and desires to live life as a male.

Transgender Woman
A person whose birth sex was male but who understands oneself to be, and desires to live life as a female.

Victim
For purposes of this policy, a victim is an offender who has been subjected to inmate sexual violence, staff sexual misconduct, or sexual harassment.

Victim Advocate
An individual typically employed by a Rape Crisis Center whose primary purpose is the rendering of advice or assistance to victims of sexual assault and who has received a certificate evidencing completion of a training program in the counseling of sexual assault victims issued by an approved counseling center. The Victim Advocate will be summoned to assist the alleged victim of an in-custody sexual assault including rape, sodomy, oral copulation, or forcible acts of sexual penetration for the SANE exam and interview process. The victim advocate will also be summoned for in-custody abusive sexual contact allegations when appropriate. In cases where an outside Victim Advocate is not available, a designated employee will be summoned, if available; an employee who has been certified by a rape crisis center as trained in counseling of sexual assault victims and who either:

(1) A psychiatrist, psychologist, licensed clinical social worker, psychiatric mental health registered nurse, staff person with a master’s degree in counseling, or others listed in Evidence Code section 1010; or
(2) Has the 40 hours of specialized training listed in Evidence Code section 1035.2 and is supervised by a staff member in subsection (1) above.

If a designated employee is utilized as a Victim Advocate proof of required training must be on file in their personnel or IST file.

Victim Support Person
Any person of the alleged victim’s choosing which could include another offender, personal friend, or family member including registered domestic partner.

5400.4 Education and Prevention
Staff Training
All staff, including employees, volunteers, and contractors, shall receive instruction related to the prevention, detection, response, and investigation of offender sexual violence, staff sexual misconduct, and sexual harassment. This training will be conducted during new employee orientation, annual training, and will be included in the curriculum of the Correctional Training Academy. The training will be gender specific based on the offender population at the assigned institution. Participation in the training will be documented on a CDCR 844, Training Participation Sign-in Sheet.

Employees shall also be trained in how to conduct cross-gender pat-down searches, transgender pat-down searches, and unclothed body cavity searches. When conducting these types of searches, employees shall ensure that these searches are conducted in a professional, respectful manner, and in the least intrusive manner possible consistent with security needs. Searches shall be conducted in accordance with policy, procedure and training as per CCR, Title 15, Section 3287(b).

Institutions shall train all staff on how to communicate professionally with inmates, including inmates who identify themselves as Lesbian, Gay, Bisexual, Transgender, Intersex, and Gender Non-Conforming in accordance with Inmate/Staff Relations Training, on file with the Peace Office Selection and Employee Development (POSED).

Specialized training may be offered to employees who volunteer to act as victims’ advocates. This training includes certification by a rape crisis center as trained in the counseling of sexual assault victims. For any employee volunteer who is not a psychiatrist, psychologist, licensed clinical social worker, psychiatric mental health RN, staff person with a master’s degree in counseling, or others’ listed in Evidence Code section 1010, this specialized training also includes the 40 hours of specialized training listed in Evidence Code 1035.2. Only employees who voluntarily agree to act as a victim advocate shall be utilized in that capacity. Employees who volunteer will be subjected to background clearance to ensure no prior history of violence.

All employees who are assigned to investigate sexual violence and/or staff sexual misconduct will receive specialized training per PC Section 13516(e).

The curriculum utilized in the class must be POSED approved. The Hiring Authority or PREA Compliance Manager (PCM) shall ensure employees investigating incidents of sexual violence and/or staff sexual misconduct are properly trained.

Offender Education
Verbal and written information shall be provided to offenders which will address:

- Prevention/Intervention.
- Reporting.
- Treatment and Counseling.

Initial offender orientation on PREA will be provided to the offender population in reception centers (RC) via either written or multi-media presentation on a weekly basis in both English and Spanish.

Approved PREA posters which contain departmental policy and the sexual violence, staff sexual misconduct, and sexual harassment reporting telephone numbers shall be posted in designated locations throughout the institution and parole offices. At a minimum, these areas shall include all housing units, medical clinics, law libraries, visiting rooms, program offices, and offender work areas.

The PREA Brochure entitled “Sexual Violence Awareness” and the PREA booklet entitled “Sexual Abuse/Assault – Prevention and Intervention” will be distributed during initial processing in RC institutions. Both the brochure and booklet shall be available through Receiving and Release or the correctional counselors at each institution, and the information will also be included in each institution’s offender orientation handbook.
Appropriate provisions shall be made to ensure effective communication for offenders not fluent in English, those with low literacy levels, and those with disabilities.

Institutions may consider the use of offender peer educators to enhance the offender population’s knowledge and understanding of PREA and sexually transmitted diseases.

PREA offender education shall be documented on a CDC Form 128-B, General Chrono. The offender shall be asked to sign the CDC Form 128-B indicating they received the training. Refusal to sign will be noted by staff on the CDC Form 128-B. The CDC Form 128-B shall be forwarded to Inmate Records for appropriate scanning into the Electronic Records Management System (ERMS).

Preventative Measures

Each institution shall enable offenders to shower, perform bodily functions, and change clothing without non-medical staff of the opposite biological sex viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Except in circumstances where there would be an impact to safety and security, modesty screens shall be placed strategically in areas that prevent incidental viewing.

Per 28 CFR, Standard §115.42, upon request, transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. In order to minimize cross gender exposure, staff of the opposite biological sex shall announce their presence when entering the housing unit. This announcement is required at the beginning of each shift and/or when the status quo within the housing unit changes.

This policy shall be included in each institution’s orientation handbook. This will allow the inmate to take into consideration that staff of the opposite gender may be present when performing bodily and bathing functions.

Security Rounds

A custody supervisor assigned to each facility or unit shall conduct weekly unscheduled security checks to identify and deter sexual violence, staff sexual misconduct, and sexual harassment of any kind. These security checks shall be documented in the Unit Log Book in red pen. The Unit Log Book shall indicate the date, time, and location that the security check was conducted.

Staff is prohibited from alerting other staff members that these security rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

54040.4.1 Communication and Pronoun Usage with Transgender Inmates

The language used by staff toward inmates helps to create a culture of safety and respect and can impact the emotional well-being of inmates, including transgender inmates.

When communicating with a transgender inmate, there are acceptable methods for addressing the transgender inmate. These are:

- Use of Gender-neutral language which means referring to them by the legal last name such as “inmate Jones” or “inmate Smith” or simply by the term “inmate”.
- Use of the preferred pronoun, if staff is aware of the preference of the inmate. These pronouns would be “she” and “her” for a transgender woman and “he” and “him” for a transgender man.

The type of prohibited discriminatory, harassing, or retaliatory behavior which may be found to constitute a violation of CDCR’s PREA policy includes, but is not limited to:

- Bullying or abusive conduct, including repeated infliction of verbal abuse and use of derogatory remarks, insults, and epithets.
- Repeatedly calling a transgender inmate by the wrong pronouns or name, after the transgender inmate has provided notice of his or her gender identity to staff.

54040.5 Searches

Institutions shall document all cross-gender strip searches and cross-gender visual body cavity searches in accordance with DOM Section 52050.16.5, and shall document all cross-gender pat-down searches of female inmates in accordance with DOM Section 52050.16.4 utilizing the Notice of Unusual Occurrence (NOU). Completed NOU forms shall be reviewed by the supervisor and routed to the institutional PCM to retain for audit purposes. If the search is incidental to an emergency or crime that constitutes a CDCR Form 837, Crime Incident Report, the search shall also be documented within the incident report.

54040.6 Offender Housing

Offenders at high risk for sexual victimization, as identified on the PREA Screening Form, shall not be placed in segregated housing unless an assessment of all available alternatives has been completed, and a determination has been made that there is no available alternative means of separation from likely abusers.

Offenders at high risk for sexual victimization shall have a housing assessment completed immediately or within 24 hours of placement into segregated housing. If temporary segregation is required, the inmate shall be issued an Administrative Segregation Placement Notice, explaining the reason for segregation is the need to complete a housing assessment based on the high risk for sexual victimization. If a determination is made at the conclusion of the assessment that there are no available alternative means of separation from likely abusers, the inmate will be retained in segregated housing and issued an Administrative Segregation Placement Notice, explaining the reason for retention. The assigned counseling staff shall schedule the offender for appearance before the Institution Classification Committee for discussion of his/her housing needs. The offender’s retention in segregation should not ordinarily exceed 30 days. If retention is continued beyond 30 days, staff shall ensure compliance with DOM Section 54040.14.1, PREA Victims-Non-Disciplinary Segregation.

Single Cell Status

The process of review and evaluation for single cell status shall be initiated during RC processing as part of initial screening. This process will include the completion of the PREA Screening Form, which includes questions related to sexual violence and victimization. Upon the offender’s arrival at his/her assigned institution, this information will again be assessed and a PREA Screening Form will be updated as necessary. Offenders will not be disciplined for refusing to answer, or not disclosing complete information related to mental, physical, or developmental disabilities, their sexual orientation, sexual victimization or perception of vulnerability.

The offender shall be referred to a classification committee for determination of single cell status in accordance with CCR Section 3377.1(c), based on documented evidence that the offender may not be safely housed in a double cell or dormitory situation. An offender’s need for single cell status shall be reviewed as part of initial/annual classification, or any time an offender is referred for transfer or placement consideration.

54040.7 Detection, Notification, and Reporting

Offenders may report violations of this policy to any staff member verbally or in writing, utilizing the Inmate Appeals Process, through the sexual assault hotline, or through a third party.

The department shall not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender’s safety, the performance of first-response duties, or the investigation of the offender’s allegations.

CDCR employees have a responsibility to protect the offenders in their custody. All staff are responsible for reporting immediately and confidentially to the appropriate supervisor any information that indicates an offender is being, or has been the victim of sexual violence, staff sexual misconduct, or sexual harassment. In addition to reporting, employees have a responsibility to assist the offender and refer him/her to medical/mental health for evaluation. Staff shall ensure the reporting of information is done as soon as possible and in a confidential manner. A CDCR Form 837, Crime Incident Report, shall be submitted for each allegation of Sexual Violence against an offender by an offender in compliance with DOM Section 51030.3, except as described in DOM Section 54040.7.3.

An offender may report sexual violence, staff sexual misconduct, or sexual harassment that occurs under the jurisdiction of the CDCR to any staff member. If the staff who receives the report is non-custody, he/she shall immediately notify his/her supervisor and the Watch Commander. Each employee who observes the incident or is provided a report by the victim must complete required reports.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, and program assignments, or as otherwise required by Federal, State, or local law.

An offender may also report sexual violence, staff sexual misconduct, or sexual harassment that occurs under the jurisdiction of the CDCR, to the Ombudsman for Sexual Abuse in Detention Elimination in the Office of the Inspector General. In addition, offenders being retained solely for civil
immigration may contact consular officials or officials at the Department of Homeland Security. Staff are reminded that victims of sexual violence, staff sexual misconduct, or sexual harassment may be seriously traumatized physically and/or mentally. Staff are expected to be sensitive to the offender during their interactions with him/her.

Screening for Appropriate Placement

Based on information that the offender has been a victim of sexual violence or victimization, the custody supervisor conducting the initial screening shall discuss housing alternatives with the offender in a private location. The custody supervisor shall not automatically place the offender into administrative segregation. Consideration shall be given to housing this offender with another offender who has compatible housing needs. If single cell status is appropriate, the custody supervisor may designate the offender for single cell housing pending a classification review.

An inmate’s risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusingness.

Per the Department’s Mental Health Services Delivery System (MHSDS), all offenders shall receive a mental health screening within the required timeframe after arrival at an institution.

Any staff member, with significant concern that an offender may be subject to sexual victimization, shall immediately notify a custody supervisor who will refer that offender for a mental health evaluation per existing policy regarding mental health referrals. This referral will be completed using the CDCR Form 128-MHS, Mental Health Referral Chrono.

Referral for Mental Health Screening

If it is reported by an offender during the initial intake screening or at any other time during his/her confinement within CDCR, that he/she has experienced prior sexual victimization or previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is referred to mental health utilizing the CDCR Form 128-MHS, Mental Health Referral Chrono.

54040.7.1 Notification via Inmate Appeals or Form 22 Process

Any employee receiving notice of alleged staff sexual misconduct via a completed CDCR Form 602, Inmate/Parolee Appeal, CDCR Form 22, Inmate/Parolee Request for Interview, Item or Service, or CDCR Form 602HC, Inmate/Parolee Health Care Appeal shall immediately notify the institution head, unit supervisor, or highest-ranking official on duty as required byCCR, Title 15, Sections 3401.5, 3084.9(a)(5), 3084.9(a)(5)(A), or 3066.

54040.7.2 Notification via Third Party Reporting of Misconduct Against an Employee, Contractor, or Volunteer

When a third party, on behalf of an inmate, makes an allegation of staff sexual misconduct or sexual harassment against a departmental employee, contractor, or volunteer, that allegation or complaint shall be submitted in writing to the Hiring Authority of the area in which the individual is assigned. Complaints against departmental employees should be filed in accordance with CCR 3391. The term “third party” includes inmates, family members, attorneys, or outside advocates. Inmates will file complaints against staff utilizing the CDCR Form 602.

Complaints determined to involve personnel from other agencies or institutions shall be forwarded to the proper hiring authority through the chain of command for appropriate response. Any allegation believed by staff to constitute an emergency shall be reported immediately to a supervisor. See examples listed in previous section.

The allegation will be investigated and documented on a Confidential Memorandum or CDCR Form 128-B, General Chrono utilizing standard investigatory procedures, as outlined in DOM, Chapter 5, Article 44, Section 54040.12. If warranted the suspect may be subject to administrative/criminal proceedings per DOM, Chapter 5, Article 44, Section 54040.11.

Completion of a CDCR 837, Crime Incident Report is required on third party reports and anonymous reports only if the allegation is substantiated.

54040.7.4 Notification from/to Other Confinement Facilities

Upon receiving an allegation that an employee was the victim of sexual violence or staff sexual misconduct while confined at another institution/confinement facility, the hiring authority where the alleged misconduct occurred, shall forward notification to the hiring authority of the institution or agency where the alleged sexual violence or staff sexual misconduct occurred. This initial notification shall be made via telephone contact or electronic mail and will be followed up with a written summary of the alleged victim’s statements. Such initial notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The institution or facility where the alleged sexual violence or staff sexual misconduct is reported will be responsible to complete the SSV-IA form.

The Hiring Authority or agency office receiving notification that an incident occurred at their institution, shall assign and ensure that the allegation is investigated and reported in accordance with DOM Section 54040.12. The Hiring Authority shall be responsible to conduct an Institutional PREA Review Committee. Upon completion, a copy of all documentation related to the allegation shall be returned to the institution where the alleged incident was reported for tracking and audit purposes.

54040.8 Response

It is the expectation that all staff shall maintain professional behavior when interacting with an alleged victim of sexual violence or staff sexual misconduct and display sensitivity to the potential emotional impact of the situation. All staff are reminded that this is a very serious situation. Incident-specific information shall be treated as confidential, and disclosure made only to employees who have a “need to know” and to other persons and entities as permitted or required by law.

Initial Contact

Upon the initial contact with an employee, that employee will take the alleged victim to a private secure location. The Initial Contact Guide has been developed to assist employees in completing the tasks associated with initial contact.

The employee shall request the victim does not:
- Shower;
- Remove clothing without custody supervision;
- Use the restroom facilities and/or;
- Consume any liquids.

When receiving an allegation from an offender of sexual violence or staff sexual misconduct that occurred in a detention facility while the offender
was a minor, it will be the responsibility of the Watch Commander to notify the appropriate agencies.

54040.8.1 Custody Supervisor Responsibilities

The custody supervisor has significant responsibility in this policy, and a Custody Supervisor Checklist has been developed to assist in identifying the duties to be completed.

If the victim alleges staff sexual misconduct, the Hiring Authority will be immediately notified via the Watch Commander. The Hiring Authority will assign a LDI to conduct inquiry work until sufficient information is obtained to warrant an OIA investigation, or the information collected refutes the allegations, as determined by the Hiring Authority. The inquiry and/or investigative information will be thoroughly documented on a Confidential Memorandum. The Confidential Memorandum shall be maintained with the investigatory file. The complaint will be investigated utilizing standard investigatory procedures. Upon conclusion of the investigation, the alleged victim will be provided written notification of the findings as described in DOM Section 54040.12.5.

Any allegation of staff sexual misconduct or staff sexual harassment believed by staff to constitute an emergency shall be reported immediately to a supervisor. Notification to the OIA, Regional Office, SAC or OIA AOD shall also be made when immediate investigative action is necessary. In the event of such an emergency, staff shall follow-up with a written report within one (1) day of learning the information. Examples that constitute an emergency are as follows:

- Possible loss of life or serious bodily injury;
- Serious breach of facility security;
- Further aggravation of a potentially dangerous situation;
- Activities which seriously compromise or jeopardize an investigation;
- An illegal activity which may occur imminently.

The custody supervisor must tell the victim that his/her name will become a matter of public record unless he/she requests that it not become a matter of public record, per PC Section 293(a). The victim should be provided the Victim of Sex Crimes form to complete to either request or waive confidentiality. If the victim chooses to have his/her name remain confidential, any written report concerning these offenses must indicate that the victim requested confidentiality of his/her name per PC Section 293(a). If the victim has requested confidentiality, the victim’s name and address may not be released except to specified persons or as authorized by law.

Please refer to DOM Section 54040.12.1 and 54040.12.2 for information related to the inmate being transported for a forensic examination.

The custody supervisor shall assign a custody escort to the victim who shall remain with the victim for the entire exam process, whenever possible. Gender preference should be considered when assigning a custody escort to the victim. The custody escort will ensure effective communication (i.e., complexity of the issues, language barriers, and literacy).

A Watch Commander Notifications Checklist has been developed to identify the tasks to be completed.

When the call is made to request the ambulance, it is critical to inform the dispatcher that the injured offender is the victim of sexual assault/battery. At the time the victim is sent to the outside hospital or on-site location, the Watch Commander is required to contact the Rape Crisis Center to request a Victim Advocate be dispatched. If one is not available, designated, trained staff from the facility will be dispatched or called in to act as the Victim Advocate as defined in Section 54040.3.

Crime Scene Preservation

The custody supervisor shall ensure that a perimeter has been established and an officer has been posted to keep persons out of the crime scene area. The custody supervisor shall ensure the assigned officer(s) maintain a chronological log of all persons entering the crime scene area and their purpose for entering the crime scene area. ISU staff and/or trained personnel shall process the crime scene including collecting and securing evidence. ISU staff shall photograph/videotape the crime scene and evidence collected, make a diagram of the crime scene, and collect/package all evidence.

Evidence

Custody supervisor shall ensure that a perimeter has been established and an officer has been posted to keep persons out of the crime scene area. The custody supervisor shall ensure the assigned officer(s) maintain a chronological log of all persons entering the crime scene area and their purpose for entering the crime scene area. ISU staff and/or trained personnel shall process the crime scene including collecting and securing evidence. ISU staff shall photograph/videotape the crime scene and evidence collected, make a diagram of the crime scene, and collect/package all evidence.

Evidences

Care must be taken to ensure that any potential evidence is identified, preserved, and collected. Examples of evidence include, but are not limited to clothing worn by the victim and suspect, hair or clothing fibers, dried or moist secretions, semen, blood or saliva stains, stained articles of clothing, blankets, or other foreign materials on the body of the victim or suspect, fingernail scrapings, and any other trace evidence (including the rape examination kit).

Based on when/where the incident occurred, a designated evidence officer will be requested to collect evidence that may be destroyed if not preserved. The designated evidence officer and any other employee who collects evidence will process it according to institutional procedure.

All DNA related evidence taken from the body of the victim or suspect (i.e., fingernail scrapings, body fluid, hair, etc.) must be collected by the Sexual Assault Nurse Examiner (SANE), this individual is located at the SART location, in accordance with State of California, Office of Emergency Services Reporting Instructions. Refer to the institutions local MOU or DOM Supplement regarding processing of the clothing that the victim and suspect wore at the time of the incident. All other evidence such as clothing (from his/her bed area) and bedding will be collected per institutional procedure.

Once the SANE has finished collecting the evidence, it will be processed following local protocols.

Parole or other Community Based Housing Incidents

If a parolee reports sexual violence by another parolee, local law enforcement will be contacted.

If an inmate in a community based housing/re-entry program reports sexual violence by another inmate in the community based housing/re-entry program, appropriate custody staff will be contacted. An inmate in a community based housing/re-entry program may require transportation for a forensic medical exam at a local hospital in accordance with time frames established in DOM Section 54040.12.1 and 54040.12.2. If the suspect is identified, a separate transport may be required in accordance with DOM Section 54040.11.

If any person reports staff sexual misconduct or staff sexual harassment by a Division of Adult Parole Operations (DAO) staff member, the employee to whom the report was made shall contact his/her supervisor and document the allegation on a CDCR Form 1617, Memorandum. The employee shall document the person’s identifying information, contact information, and any information the person provides about the incident on the CDCR Form 1617, and submit the CDCR Form 1617 to the supervisor. The supervisor shall contact the Regional Administrator who shall notify the Office of Internal Affairs in accordance with Chapter 3, Article 22. If the alleged incident occurred outside the confinement, as a CDCR inmate, of a CDCR institution, the incident does not meet the criteria for PREA because the offender is not currently incarcerated; however, an allegation investigation must be initiated, in accordance with DOM Chapter 3, Article 22. Therefore, the Regional Administrator will ensure an appropriate DAPO staff member is assigned to conduct an inquiry until sufficient information is obtained to warrant an OIA investigation, or the information collected refutes the allegations. The inquiry and/or investigative information will be thoroughly documented on a Confidential Memorandum. The Confidential Memorandum shall be maintained with the investigatory file. The complaint will be investigated utilizing standard investigatory procedures.

If a parolee makes an allegation to a DAPO staff member that a PREA incident occurred while he/she was an inmate in a CDCR institution, the employee to whom the report was made shall contact his/her supervisor and document the allegation on a CDCR Form 1617. The supervisor will contact the Regional Administrator. The Regional Administrator shall notify the Hiring Authority of the institution where the alleged incident occurred within 72 hours, as described in DOM 54040.7.4. Upon conclusion of the investigation, the alleged victim will be provided written notification of the findings as described in DOM Section 54040.12.5.

If an incident of sexual violence or staff sexual misconduct is reported at a contract facility responsible for housing CDCR offenders, the contracted employee shall initiate the Initial Contact Guideline.

54040.8.2 Victim Advocate and Victim Support Person

Victims of alleged sexual violence or staff sexual misconduct have the right under PC 264.2, PC 679.04, and/or 28 CFR, Standard §115.21 to a Victim Advocate and Victim Support Person for both forensic medical examination (where evidentiary or medically appropriate) and for the investigatory interview.

Victim Advocate and Victim Support Person for Medical Examination

In incidents where an offender has alleged sexual violence or staff sexual misconduct, the watch commander or designee shall immediately notify the local Rape Crisis Center whenever a victim of a sexual violence or staff sexual misconduct is transported to the local or jail location and/or transported to an outside hospital for any forensic examination.

The victim has the right to have a victim advocate present and a victim support person of the victim’s choosing (see PC Sections 679.04 and PC...
consist of: Assault/Battery Transportation Kits in a plastic storage bin. This kit will
54040.8.4 Transportation Responsibilities
disciplinary process and provide to custody. The Chief Medical Executive,
Injury or Occurrence and CDCR Form 837-C for use in the inmate
urgent/emergent, and provide immediate emergency medical care to the
Licensed Health care staff shall determine and identify any injuries sustained
CCHCS Medical staff will conduct follow-up testing for sexually transmitted
separation between the victim and suspect(s).
Treatment Area (TTA) will maintain physical separation and visual
transportation process. To the extent possible, staff in the Triage and
Authorization of Temporary Removal for Medical Treatment and have it
provide indicated emergency medical response.
California Correctional Health Care Services (CCHS) medical staff will
these organizations and agencies, in as confidential a manner as possible.
For persons detained solely for civil immigration purposes, information for
booklet entitled “Sexual Abuse/Assault – Prevention and Intervention”. It
examination process and shall be documented as required above.
Victim Advocate and Victim Support Person for Investigatory Process
Victims of alleged sexual violence or staff sexual misconduct, have the right
to have a victim advocate and a victim support person of the victim’s choosing (see PC Sections 679.04 and PC 264.2 and/or 28 CFR, Standard §115.21) present at any investigatory interview, interview by law enforcement, the district attorney, or defense attorneys.
If the investigator or the district attorney determines that the presence of the
criminal investigation may exclude or limit access to the victim, the victim
support person and the victim’s advocate may be excluded from the interview. The victim must be notified verbally or in writing of this right by the attending investigator or the district attorney prior to the interview.
Victim Advocates for Emotional Support Services
The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual assault by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available.
The information is available to the inmate population in the
Knowledge of Sexual Violence Awareness and the PREA brochure entitled
booklet entitled “Sexual Abuse/Assault – Prevention and Intervention”. It
should also be included in each institution’s offender orientation handbook.
For persons detained solely for civil immigration purposes, information for
Medication Administration
Emergency Services, as well as the appropriate Forensic Medical Report:
Forensic Medical Report: Non-Acute (>72 hours) Child/Adolescent Sexual Abuse Examination, or the Forensic Medical Report: Sexual Assault Suspect Examination. These examinations will consist of an explanation of the process, the offender’s signature on consent forms (some offenders will require assistance to explain the consent forms prior to signing them), discussion of the incident and when/how it occurred, and a detailed physical examination that will include evidence collection and photographs. As required in Penal Code section 2638 (part of AB 550), immediate HIV/AIDS prophylactic measures will be provided. In addition, information regarding sexually transmitted infections, HIV and pregnancy options, will be discussed with the victim and/or suspect. Testing for sexually transmitted infections, HIV, and pregnancy (if appropriate) will be offered.
54040.10 Return to Triage and Treatment Area/Receiving & Release
Upon the return of the victim from the SART/SANE Exam, the offender will be assessed following Inmate Medical Services Policies and Procedures (IMSP&P). The TTA Registered Nurse will also complete a request for an emergent Suicide Risk Evaluation (SRE). Mental Health staff will evaluate the victim within four hours of referral. Until that time, the offender shall be placed under constant and direct supervision to ensure he/she does not attempt to hurt him/herself or someone else.
Staff are reminded to be aware of warning signs of post-trauma mental health problems. These behaviors would typically be a change from their usual behavior prior to the alleged assault. No single behavior listed below indicates mental health problems, but if several or more are present you should make a referral to or consult with the mental health program.
• Sleep problems
• Agitation or restlessness (for example, pacing in the cell or housing unit)
• Suspicousness or heightened vigilance – may have an exaggerated startled response
• Withdrawal from customary activities and friends
• Loss of appetite
• May stand and stare blankly
• Hyperactivity
• New ritualistic or highly repetitive behavior
• Crying or tearfulness
• Fear of others
• Inmate has a marked change in personality
• No longer wants to engage in activities
• Self-injurious or suicidal behavior
• May be heard putting themselves down or be very critical of themselves
• Bizarre or unusual behavior or outbursts
• Fear of venturing beyond “security blanket” areas
• Newly developed clinginess on friends or custody staff
• May display impulsiveness or violence toward others (new behavior)

54040.8.3 Medical Services Responsibilities
California Correctional Health Care Services (CCHS) medical staff will provide indicated emergency medical response. The assigned RN will initiate the CDC Form 7252, Request for Authorization of Temporary Removal for Medical Treatment and have it delivered to the Watch Office or designated area to expedite the transportation process. To the extent possible, staff in the Triage and Treatment Area (TTA) will maintain physical separation and visual separation between the victim and suspect(s).
CCHCS Medical staff will conduct follow-up testing for sexually transmitted infections/diseases and HIV as indicated. Licensed Health care staff shall determine and identify any injuries sustained by the alleged victim and suspect, assess and identify if they are urgent/emergent, and provide immediate emergency medical care to the alleged victim and suspects. The injuries sustained by the alleged victim and suspect shall be documented on a CDCR Form 7219, Medical Report of Injury or Occurrence and CDCR Form 837-C for use in the inmate disciplinary process and provide to custody. The Chief Medical Executive, or designee shall review the medical documentation of the incident.
54040.8.4 Transportation Responsibilities
The transportation sergeant or designated sergeant shall maintain Sexual Assault/Battery Transportation Kits in a plastic storage bin. This kit will consist of:
• Two clean jumpsuits;
• Two pieces of “examination table” type paper (approx. 18” x 36” each);
• Two Evidence Collection Envelopes;
• Two Evidence Collection Paper Bags; and
• Two pairs of latex gloves and other required personal protective equipment (PPE).
A Transportation Checklist has been developed to identify the duties to be completed related to the transportation of Sexual Assault victims and suspects.
54040.9 Forensic Medical Examination
In accordance with DOM Sections 54040.12.1 and 54040.12.2, the victim will be taken to the designated outside hospital, or on-site location, where SART Contract Staff will complete the forensic exam. The SANE shall provide the required Forensic Medical Examination, per the Office of Emergency Services, as well as the appropriate Forensic Medical Report: Acute (<72 hours) Adult/Adolescent Sexual Assault Examination, the Forensic Medical Report: Non-Acute (>72 hours) Child/Adolescent Sexual Abuse Examination, or the Forensic Medical Report: Sexual Assault Suspect Examination. These examinations will consist of an explanation of the process, the offender’s signature on consent forms (some offenders will require assistance to explain the consent forms prior to signing them), discussion of the incident and when/how it occurred, and a detailed physical examination that will include evidence collection and photographs. As required in Penal Code section 2638 (part of AB 550), immediate HIV/AIDS prophylactic measures will be provided. In addition, information regarding sexually transmitted infections, HIV and pregnancy options, will be discussed with the victim and/or suspect. Testing for sexually transmitted infections, HIV, and pregnancy (if appropriate) will be offered.
54040.10 Return to Triage and Treatment Area/Receiving & Release
Upon the return of the victim from the SART/SANE Exam, the offender will be assessed following Inmate Medical Services Policies and Procedures (IMSP&P). The TTA Registered Nurse will also complete a request for an emergent Suicide Risk Evaluation (SRE). Mental Health staff will evaluate the victim within four hours of referral. Until that time, the offender shall be placed under constant and direct supervision to ensure he/she does not attempt to hurt him/herself or someone else.
Staff are reminded to be aware of warning signs of post-trauma mental health problems. These behaviors would typically be a change from their usual behavior prior to the alleged assault. No single behavior listed below indicates mental health problems, but if several or more are present you should make a referral to or consult with the mental health program.
• Sleep problems
• Agitation or restlessness (for example, pacing in the cell or housing unit)
• Suspicousness or heightened vigilance – may have an exaggerated startled response
• Withdrawal from customary activities and friends
• Loss of appetite
• May stand and stare blankly
• Hyperactivity
• New ritualistic or highly repetitive behavior
• Crying or tearfulness
• Fear of others
• Inmate has a marked change in personality
• No longer wants to engage in activities
• Self-injurious or suicidal behavior
• May be heard putting themselves down or be very critical of themselves
• Bizarre or unusual behavior or outbursts
• Fear of venturing beyond “security blanket” areas
• Newly developed clinginess on friends or custody staff
• May display impulsiveness or violence toward others (new behavior)
than four hours after referral, and shall include a face-to-face evaluation of the victim in a confidential setting. If the SRE indicates a heightened risk for suicide, the mental health staff member shall complete a full mental health evaluation. All victims of sexual violence or staff sexual misconduct shall be referred for a routine Mental Health Evaluation regardless of the outcome of the SRE.

The mental health clinician completing the routine Mental Health Evaluation shall ensure that the victim receives services as outlined in the Mental Health Services Delivery System (MHSDS) Program Guide, which includes criteria for inclusion in the MHSDS program based on qualifying diagnoses or medical necessity. Any stressors related to the reported sexual violence/staff sexual misconduct (e.g., safety/security issues or fear of retaliation) shall be documented in the Health Record and considered in the decision regarding the victim’s need for mental health services. Any victim who requests to be included in the MHSDS and be provided mental health services related to a reported sexual violence/staff sexual misconduct shall be provided services according to the MHSDS Program Guide. If appropriate, the victim shall be given educational materials to provide information related to the medical and mental health conditions which may result after a sexual violence/staff sexual misconduct. Victims shall be monitored for, signs and symptoms of self-harm, post-traumatic stress disorder, depression, and other mental health consequences.

Consideration during medical treatment (including counseling) must be given to:
- Sexually Transmitted Disease (STD) Conversion.
- Presence of Hepatitis B and/or C.
- HIV Testing.
- Pregnancy options, if appropriate.

Specific responsibilities of mental health staff shall be consistent with statewide IMSP&P and/or MHSDS Program Guide, supplemented by local operating procedures.

54040.11 Suspect Processing

Offender on Offender
To the extent possible, all staff will ensure that there is no physical, verbal, or visual contact between the victim and suspect. The suspect will be escorted to the TTA or designated medical location for medical screening and then to the SART location as necessary. The suspect must consent to the forensic examination or custody staff will take steps necessary to obtain a search warrant or will follow procedures outlined in a Memorandum of Understanding (MOU) with the local District Attorney’s Office. The custody supervisor will contact ISU, or the local District Attorney’s Office for assistance in obtaining a search warrant.

Upon initial contact with the suspect, the employee shall make every effort to ensure the suspect does not:
- Shower;
- Remove clothing without custody supervision;
- Use the restroom facilities and/or;
- Consume any liquids.

Steps identified earlier in this article for collection of evidence, transportation, and physical examination of the alleged victim shall be the same for the suspect.

Upon completion of the forensic medical examination, the suspect will be re-housed in the Administrative Segregation Unit (ASU). The custody supervisor shall complete the required forms for ASU placement.

ISU staff or the LDI will provide a Miranda warning and interview the suspect to obtain his/her account of the incident. The custody supervisor will complete a referral to mental health for a mental health evaluation and assessment of treatment needs.

Staff on Offender

Immediate efforts shall be made to eliminate sight and sound contact between the victim and the staff member. Suspects are afforded due process; therefore, when a staff member is identified as a suspect, and before processing contact with the Hiring Authority and OIA should be made. The Hiring Authority or designee shall determine if the employee should be placed on administrative time off consistent with departmental policy during the course of the investigation.

54040.12 Investigation

All allegations of sexual violence, staff sexual misconduct, and sexual harassment shall be investigated and the findings documented in writing. No standard higher than the preponderance of the evidence is to be used when determining whether allegations of sexual abuse or sexual harassment are sustained. In addition, all allegations require completion of the Survey of Sexual Violence (SSV-IA) form. Except in limited circumstances or exigent circumstances, investigators shall not rely solely on inmate interpreters, readers, or other types of inmate assistance during a sexual violence, staff sexual misconduct, or sexual harassment investigation.

The departure of the alleged suspect or victim from the employment or control of CDCR shall not provide a basis for terminating an investigation.

Staff on Offender

Allegations of staff on offender sexual misconduct or staff sexual harassment will be immediately reported to the Hiring Authority via the Watch Commander. The Hiring Authority will assign an LDI to conduct an inquiry until sufficient information is obtained to warrant an OIA investigation, or the information collected refutes the allegations, as determined by the Hiring Authority. The inquiry and/or investigative information will be thoroughly documented on a Confidential Memorandum. The investigator will include an effort to determine whether staff actions or failures to act contributed to the abuse. The Confidential Memorandum will include: 1) a description of the physical and testimonial evidence; 2) the reasoning behind credibility assessments; and 3) the investigative facts and findings. The Confidential Memorandum shall be maintained with the investigatory file. The complaint will be investigated utilizing standard investigatory procedures. Upon conclusion of the investigation, the alleged victim will be provided written notification of the findings as described in DOM Section 54040.12.5.

Any allegation of staff sexual misconduct or staff sexual harassment believed by staff to constitute an emergency shall be reported immediately to a supervisor. Notification to the OIA, Regional Office, SAC or OIA AOD shall also be made when immediate investigative action is necessary. In the event of such an emergency, staff shall follow-up with a written report within one (1) day of learning the information. Examples that constitute an emergency are as follows:
- Possible loss of life or serious bodily injury;
- Serious breach of facility security;
- Further aggravation of a potentially dangerous situation;
- Activities which seriously compromise or jeopardize an investigation;
- An illegal activity which may occur imminently.

Offender on Offender

All sexual violence allegations to include sexual assaults, attempted sexual assaults, and sexual battery committed by offenders, as well as allegations of sexual harassment committed by offenders shall be investigated by the LDI. These staff designated by the Hiring Authority will be responsible for completion of the investigation and will follow standard investigative procedures.

The LDI or Custody Supervisor may utilize the Sexual Assault/Battery Interview Guidelines when questioning the alleged victim regarding the specific facts of the allegation. The ISU Lieutenant or LDI shall be responsible for completing the SSV-IA.

Credibility of an alleged victim, suspect, or witness must be determined based on sound facts and evidence rather than an individual’s status. Pursuant to PC Section 293(b), the Victims of Sex Crimes form must be attached to all criminal reports relating to offenses listed in Government Code section 6254(f), which in adult prisons are: PC Sections 220, 261, 261.5, 262, 264, 264.1, 266(c), 273(a), 273(d), 286, 288, 288(a), 289, 422.6, 422.7, 422.75, and 646.9.

54040.12.1 Investigation of Sexual Violence or Staff Sexual Misconduct – less than 72 hours post incident

If the alleged incident is reported or discovered less than 72 hours after the occurrence, in addition to the provisions discussed in DOM Section 54040.8, the custody supervisor shall secure the alleged crime scene (if feasible) and secure the alleged inmate suspect (if he/she can be identified) for potential forensic processing.

The custody supervisor shall determine the need to transport the inmate for a forensic exam as follows:
- Sexual Harassment Incidents: The victim/suspect will not be transported for a forensic exam.
- Abusive Sexual Contact Incidents: The SART/SANE shall be consulted to make a determination as to whether the inmate victim/inmate suspect should be taken for a forensic examination. The inmate victim may refuse the forensic examination.
- The inmate victim may refuse the forensic examination and the refusal should be video recorded.
- Nonconsensual Sex Acts: The inmate victim/inmate suspect shall be transported for a forensic examination. The inmate victim may refuse the forensic examination and the refusal should be video recorded.
54040.12.2 Investigation of Sexual Violence or Staff Sexual Misconduct – More Than 72 Hours Post-Incident
If the alleged incident is reported or discovered more than 72 hours after the occurrence, in addition to the applicable provisions discussed in this article, the custody supervisor shall secure the alleged crime scene (if feasible) and secure the alleged inmate suspect (if he/she can be identified) for potential forensic processing. The victim may be questioned using the Sexual Assault/Battery Interview Guidelines. The SART/SANE nurse shall be consulted to make a determination as to whether the inmate victim/inmate suspect is to be taken for a forensic examination. The victim may refuse the forensic examination and the refusal should be video recorded. In addition, the victim should be asked if he/she retains any evidence of the incident (i.e., soiled clothing/bedding, etc.). If so, these items shall be gathered by the ISU evidence officer and processed per the institutional evidence collection procedures. Medical staff shall conduct an examination of the victim and alleged inmate suspect to determine the presence or absence of physical trauma and to perform follow-up testing for sexually transmitted diseases and pregnancy testing, as appropriate. Medical staff shall also refer the victim and inmate suspect to Mental Health for evaluation/counseling.

54040.12.3 Reporting to Outside Agencies
All terminations for violations of agency sexual misconduct or harassment policies, or resignations by employees that would have been terminated if not for their resignation, shall be reported to any relevant licensing body by the hiring authority or designee.

54040.12.4 Reporting to Outside Agencies for Contractors
Any contractor or volunteer who engages in staff sexual misconduct shall be prohibited from contact with offenders and shall be reported to relevant licensing bodies by the hiring authority or designee.

54040.12.5 Reporting to Offenders
Staff on Offender
Following an offender’s allegation that a staff member has committed sexual misconduct against an offender, the alleged staff member shall be informed as to whether the allegation has been substantiated, unsubstantiated, or unfounded. The PCM or designee shall inform the offender (unless the allegation has been determined to be unfounded) whenever the alleged abuser has been:
• The staff member is no longer posted within the inmate’s unit;
• The staff member is no longer employed at facility;
• Indicted on the alleged sexual misconduct; or
• Convicted of the alleged sexual misconduct.

Offender on Offender
Following an investigation into an offender’s allegation that he or she suffered from sexual violence by another offender, institution shall inform the alleged victim if the allegation has been substantiated, unsubstantiated, or unfounded. The institution shall also inform the alleged victim whenever the alleged abuser has been:
• Indicted on the alleged sexual violence; or
• Convicted of the charge.

The agency’s obligation to report/inform the offender of changes shall terminate if the offender is released from the agency’s custody.

54040.13 Allegation Follow-up
For at least 90 days following a report of sexual violence or staff sexual misconduct, the institutional PCM shall monitor the conduct and treatment of inmates or employees who reported the sexual violence or staff sexual misconduct and of the victim to ensure there are no changes that may suggest retaliation. The PCM may delegate these monitoring functions to staff assigned to the Investigative Services Unit or to a supervisory staff member and has the discretion to assign this monitoring in other circumstances: If the reported conduct is sexual harassment, when a volunteer or independent contractor made the report of sexual violence, staff sexual misconduct, or sexual harassment, or if any person fears retaliation for cooperating with an investigation. The assigned supervisor shall notify the institutional PCM of any such changes. The PCM shall act promptly (in accordance with DOM Article 14, section 31140.22) to remedy any such retaliation and ensure a CDCR Form 2304 or 2305, Protection Against Retaliation, is initiated. Items to be monitored on the CDCR Form 2304 or 2305 include: periodic inmate status checks, inmate disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. The PCM shall ensure all Protection Against Retaliation forms are maintained as required in the Records Retention Schedule.

The obligation to monitor shall terminate if the investigation determines that the allegation is unfounded or proven false.

When the inmate is transferred to another institution within the 90 day monitoring period, the CDCR Form 2304 shall be forwarded to the receiving institution. The PCM/designee at the sending institution shall make contact with the PCM/designee at the receiving institution to provide an overview of the case, noting the remaining monitoring timeframes. Upon completion of the monitoring period, the PCM/designee at the receiving institution shall return the completed CDCR Form 2304 to the PCM/designee at the sending institution for retention in the file and audit purposes.

54040.14 Classification Process
In cases of alleged sexual violence, staff sexual misconduct or sexual harassment, a determination shall be made for all victim(s) and offender suspect(s) if placement in an ASU is warranted, for reasons outlined in CCR Section 3335 and the reason shall be documented on the Classification Committe Chrono. Following ASU placement, an administrative review shall occur in accordance with CCR Section 3337.

Consideration during Institution Classification Committee (ICC) must be given to:
• Completion of Departmental Disciplinary Process.
• Yard assignment while in ASU.
• Single or double cell status.
• Referral to the District Attorney for Criminal Prosecution.
• Housing including a consideration of alternate General Population Facilities, Sensitive Needs Yard placement, Out-of-State placement (requires Departmental Review Board (DRB) approval), or Indeterminate SHU (DRB approval).

54040.14.1 PREA Victims Non-Disciplinary Segregation
PREA victims being removed from general population may be placed on non-disciplinary segregation status, in accordance with CCR Section 3335(b) and shall be assessed for any ongoing safety concerns. The assessment shall be documented on the inmates CDC Form 114-A, Inmate Isolation Segregation Record.

The assigned custody supervisor will be responsible for reviewing the circumstances of the incident and documenting his/her observations on a CDC Form 128-B, General Chrono. The assigned custody supervisor will attend the initial ICC and will make a recommendation regarding the need for continued housing on this status. ICC will consider the supervisor’s input and make the final decision on retention or release from non-disciplinary segregation status.

A custody supervisor is required to conduct assessments every thirty days from the date the inmate is initially placed on non-disciplinary segregation status. These assessments will be documented on the CDC Form 114-A. When the assigned custody supervisor determines the inmate’s non-disciplinary segregation status is no longer needed, he/she shall submit a CDC Form 128-B requesting the inmate be seen by ICC for housing review.

54040.14.2 Transgender Biennial Reassessment for Safety in Placement and Programming
On a bi-annual basis, Division of Adult Institutions (DAI) staff will send each PREA Compliance Manager (PCM) a list of identified transgender and intersex inmates, as known to the Department. This list will reflect the institution’s respective inmates, along with the month of the inmate’s next scheduled annual classification review.

If an inmate is due to be seen for his/her annual classification review during the identified review period (August through January or February through July), the assigned caseworker will ask the inmate about any threats they have received during the pre-committee interview. In addition to interviewing the inmate, the assigned caseworker shall review the inmate’s case factors in SOMS and ERMS for any additional information which may indicate the inmate has any placement or programming concerns. After the annual review is completed, the assigned caseworker will document his/her actions, as they relate to the PREA Biannual Assessment, in the Classification Committee Chrono.

If the inmate is not scheduled to be seen for his/her annual classification review during the identified review period (August through January or February through July), the assigned caseworker shall conduct a Transgender Biannual Assessment-PREA and complete a pre-formatted CDC Form 128-B, General Chrono. This form includes information to be asked of the inmate during a face-to-face interview to assess any threats to their safety. In
addition to interviewing the inmate, the assigned caseworker shall review the inmate’s case factors in SOMS and ERMS for any additional information which may indicate the inmate has any placement or programming concerns.

If, during the interview for either the annual review or the Transgender Biannual Assessment-PREA, the inmate discloses threats to safety, the assigned caseworker shall immediately notify a Custody Supervisor. Any information related to a PREA allegation shall be documented and forwarded to the institution’s Locally Designated Investigator according to the DOM, Article 44, Prison Rape Elimination Policy.

The PCM shall coordinate with the Classification and Parole Representative to ensure the assessments are completed. The PCM shall maintain a copy of the biannual list with the dates the annual classification reviews or the PREA Biannual Assessments were completed. The PCM will forward a copy of this list to the PREA Captain in the Division of Adult Institutions within five days of completion of the review period.

54040.15 Disciplinary Process
Upon completion of the investigative process, the existing disciplinary process, which includes referral for criminal prosecution and classification determinations, shall be followed.

If the allegation of sexual violence warrants a disciplinary/criminal charge, a CDCR Form 115, Rules Violation Report shall be initiated. The offender who is charged will be entitled to all provisions of CCR Section 3320 regarding hearing procedures and time limitations and CCR Section 3316, Referral for Criminal Prosecution.

54040.15.1 Alleged Victim – False Allegations
Following the investigation into sexual violence, or staff sexual misconduct, if it is determined that the allegations made were not in good faith or based upon a reasonable belief that the alleged conduct occurred, the offender making the allegations may be subject to disciplinary action. A charge of “making a false report of a crime,” a Division “E” offense, is appropriate only if evidence received indicates the offender knowingly made a false report. An allegation deemed unsubstantiated or unfounded based on lack of evidence, does not constitute false reporting.

54040.16 Referral of Completed Cases for Independent Review
Designated staff in CDCR headquarters shall provide the Sexual Abuse in Detention Elimination Ombudsperson with copies of all completed Survey of Sexual Violence Incident – Adult (SSV-IA) forms. CDCR Form 602 Inmate Appeals, Ward Grievances, sexual assault investigation reports, and other data related to allegations of sexual assault will be made available to the Office of the Sexual Abuse in Detention Elimination Ombudsperson upon request.

54040.17 Institutional PREA Review Committee
The purpose of this Section is to set forth California Department of Corrections and Rehabilitation (CDCR) policy governing the sexual violence and staff sexual misconduct incident review process. The policy has its foundation in CFR, Chapter 28, Prison Rape Elimination Act (PREA) standards. Per 28 CFR, Standard §115.86, each Hiring Authority is required to conduct an incident review of every sexual violence or staff sexual misconduct allegation, including allegations that have not been substantiated. A review is not required for allegation’s that have been determined to be unfounded.

The PCM shall make a good faith effort to reach a judgment on whether staff’s actions prior to, during, and subsequent to the reporting of the incident are in compliance with regulations, procedure, and applicable law and determine if follow-up action is necessary. The PCM shall normally schedule these PREA incidents for review by the Institutional PREA Review Committee (IPRC) within 60 days of the date of discovery.

It will be the responsibility of the IPRC to conduct the incident review for all allegations which are alleged to have occurred at the institution, including those that were received from a different institution/facility in accordance with section 54040.7.4.

Institutional PREA Review Committee (IPRC)
The IPRC is a committee of institution staff chaired by the respective Institution Head tasked with reviewing these PREA related incidents except those determined to be unfounded.

The IPRC shall meet to review these PREA incidents on at least a monthly basis, or on a schedule to ensure all cases are reviewed within 60 days of the date of discovery.

The IPRC shall normally be comprised of the following staff:

- Hiring Authority or designee, as chairperson and final decision maker;
- PREA Compliance Manager;
- At least one other manager;
- In-Service Training Manager;
- Health Care Clinician;
- Mental Health Clinician; and
- Incident Commander or Investigative Services Unit Supervisor

The IPRC shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- If the staffing plan was not complied with, this fact shall be documented during this review and addressed in the corrective action plan.
- Assess the adequacy of staffing levels in that area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;
- Prepare a report of its findings and any recommendations for improvement;
- Determine a plan to correct findings and document in the report;
- Document implementation of the Action Plan or reasons for not doing so, and
- Submit the report to the Hiring Authority for final review.

The final report will be provided to the appropriate Associate Director, upon approval of the Hiring Authority, if the findings require physical plant modification or other fiscal resource needs that can’t be addressed through their existing budget (i.e., staffing).

Departmental PREA Coordinator
28 CFR, Standard §115.88, requires the agency to review data collected pursuant to standard §115.87 in order to assess and improve the effectiveness of its sexual violence prevention, detection, and response policies, practices, and training.

On an annual basis:
1. The Departmental PREA Coordinator will forward to each institution, a data collection tool which will be utilized by the institutional PCM to summarize information gathered through the Institutional PREA Committee.
2. The institution will complete the data collection tool and return it to the Departmental PREA Coordinator.
3. The Departmental PREA Coordinator will review the information contained on the data collection tool.
4. The Departmental PREA Coordinator will prepare an annual report of the findings and corrective actions for each facility, as well as the agency as a whole.
5. The report will be routed through the chain of command to the Agency Secretary for review and approval.
6. Once approved by the Secretary, the annual report will be forwarded to the Office of Public and Employee Communication for placement on the CDCR Website.

Records Retention
All case records associated with such reports including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, recommendations for post-release treatment and/or counseling shall be retained in accordance with the CDCR Records Retention Schedule.

54040.17.1 Annual Review of Staffing Plan
Whenever necessary, but no less frequently than once each year, in consultation with the PREA Coordinator, the institutional PCM and the Program Support Unit shall assess, determine, and document whether adjustments are needed to: (1) The staffing plan; (2) The facility’s deployment of video monitoring systems and other monitoring technologies; and (3) The resources assigned to ensure adherence to the staffing plan.

54040.18 Institutional Staffing Plan
CDCR shall ensure that each facility it operates develops, documents and makes its best efforts to comply on a regular basis with a staffing plan that
provides for adequate levels of staffing, and where applicable, video monitoring to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration: (1) Generally accepted detection and correctional practices; (2) Any judicial findings of inadequacy; (3) Any findings of inadequacy from Federal investigative agencies; (4) Any findings of inadequacy from internal or external oversight bodies; (5) All components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated); (6) The composition of the inmate population; (7) The number and placement of supervisory staff; (8) Institution programs occurring on a particular shift; (9) Any applicable State or local laws, regulations, or standards; (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (11) Any other relevant factors.

In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the staffing plan through the Telestaff Program and Daily Activities Report. The Watch Commander is responsible for reporting and justifying all deviations from the approved staffing plan.

54040.19 Community Services
Institutions shall provide victims of in-custody sexual violence, or staff sexual misconduct with access to mailing addresses and phone numbers of outside rape crisis organizations, victim advocacy groups and immigrant services agencies per 28 CFR, Part 115, Standard 115.53. This PREA standard requires that inmates be allowed to correspond with staff in the rape crisis center/victim advocate in as confidential manner as possible. To facilitate this correspondence, inmate mail that is being sent to the locally designated rape crisis center will be treated as confidential mail.

(a) The letter must be addressed to the Rape Crisis Center and may include a specific staff member’s name.
(b) The inmate’s full name, department identification number, and the address of the institution shall be included in the return address appearing on the outside of the envelope.
(c) The word “confidential” shall appear on the face of the envelope. Failure to do this will result in the letter being processed as regular mail or being returned to the inmate if for any reason the mail cannot be processed as regular mail.
(d) Inmates shall post confidential mail by presenting the mail unsealed to designated staff. In the presence of the inmate, the staff shall remove the contents of the envelope upside down to prevent reading of the contents. Staff shall remove the pages and shake them to ensure there is no prohibited material, consistent with the CCR. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number, and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.
(e) If prohibited material is found in the confidential mail, the prohibited material shall be confiscated; however, the letter may be returned to the inmate or mailed following the process outlined above. If the prohibited material indicates a violation of the law or intent to violate the law, the matter may be referred to the appropriate authorities for possible prosecution. Administrative and/or disciplinary action shall also be taken against all parties involved.

Mental Health Services shall be provided as directed under the Mental Health Responsibility section 54040.10.

If the victim is a parolee, the victim may be referred to the Parolee Outpatient Clinic, local mental health agencies, and Crisis Intervention Centers, as the need arises.

54040.20 Tracking – Data Collection and Monitoring
The PCM or the Parole Employee Relations Officer shall report investigations into allegations of sexual violence and staff sexual misconduct on the monthly update of the Yearly Tracking Report (YTR), including whether the perpetrator was a staff member or offender, disposition and current status. This information shall be reported to the Department’s PREA Coordinator by the fifth day of every month. Additionally, the ISU Lieutenant or Locally Designated Investigator shall be responsible for completing the Survey of Sexual Violence-Incident Adult (SSV-IA). The SSV-IA will be submitted to the Department PREA Coordinator no later than two business days from the date of the allegation. This information shall also be provided (via copy of the CDCR Form 837, Crime Incident Report) to the Offender Information Systems Branch (OISB) for compilation and tracking. The OIA shall maintain records of investigations into allegations of staff/offender sexual misconduct, and will report by case number, the type of sexual misconduct, subcategory (male staff with female offender, female staff with male offender, etc.); whether the allegations were sustained; and whether a DA referral was made.

The CDCR shall aggregate the incident-based data at least annually. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Federal Department of Justice. CDCR shall maintain, review, and collect data as needed from all available documents including incident reports, investigation files, and PREA incident reviews. CDCR shall also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. Upon request, the agency shall provide all such data from the previous calendar year to the federal Department of Justice no later than June 30.

Reports shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the agency’s progress in addressing sexual violence and staff sexual misconduct.

The report shall be approved by the CDCR Secretary and made readily available to the public through the CDCR website. Specific material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of a facility; however, the report must indicate the nature of the material redacted.

54040.21 PREA Data Storage and Destruction
CDCR shall ensure that all PREA data collected are securely retained. All aggregated PREA data, from facilities under CDCR's direct control and private facilities with which it contracts, shall be made readily available to the public at least annually through the CDCR website. Before making aggregated PREA data publicly available, all personal identifiers shall be removed. PREA data collected shall be maintained for 10 years after the date of the initial collection.

54040.22 Revisions
The Agency Secretary, or designee, shall be responsible for ensuring that the contents of this Article are kept current and accurate.

54040.23 References
DOM 31140.7.1, 31140.7.2.
California Assembly Bill 550 (Chapter 303, Statutes of 2005), Sexual Abuse in Detention Elimination Act, PC Section 2635 et seq.
Evidence Code 1035.2.
PC §§ 220, 261, 261.5, 262, 264, 264.1, 264.2, 273(a), 273(d), 273.5, 286, 288, 288(a), 289, 289.5, 289.6, 293(a), 422.6, 422.7, 422.75, 646.9, 646.9, 679.04.
CCR §§ 3316, 3335, 3337, 3377.1(c), 3401.5.
GC § 6254.

ARTICLE 45 — CARE, TREATMENT, AND SECURITY OF PREGNANT OFFENDERS
Effective June 9, 2006

54045.1 Policy
The California Department of Corrections and Rehabilitation (CDCR) staff shall ensure a pregnant offender is not placed in restraints by the wrists, ankles, or both during labor, including during transport, delivery, and while in recovery after giving birth, except as provided in Penal Code Section 5007.7. Health care staff shall provide medical care for the pregnant offender population. Pregnant offenders shall receive, within the second trimester of gestation, a dental examination, periodontal evaluation, and the necessary periodontal treatment in order to maintain periodontal health during the gestation period.

54045.2 Purpose
This policy will ensure the safety of female offenders and the unborn child during pregnancy. It will also ensure medical care concerns are met regarding the pregnant offender population and birth of children at local hospitals and to establish protocols which prevent or treat gingivitis and/or periodontitis during pregnancy.

54045.3 Medical Care – Reception
The pregnant offender’s medical care is initiated in Receiving and Release (R&R) when it is determined, by self report or physical appearance that the
offender is pregnant, confirmed by physical examination and laboratory test results. A Registered Nurse (RN) or Medical Technical Assistant (MTA) shall conduct the initial health screening in R&R. The health care staff shall notify the Obstetrical (OB) Coordinator by telephone or written documentation of the offender’s name, CDC number, and any pertinent medical information regarding the offender’s pregnancy status. The R&R RN shall notify the Supervising Obstetrician if information provided by the offender or from written information indicates that the offender has any medical conditions that place the patient in a high-risk status. The RN shall notify the Supervising Obstetrician, Health Care Manager/Chief Medical Officer (HCM/CMO) or designee if the offender needs to be seen for any urgent/emergent conditions.

A priority ducat for laboratory work to verify the pregnancy will be issued to all suspected pregnant offenders within three (3) business days of arrival at the institution.

A priority ducat for an examination by the OB Physician or OB Nurse Practitioner (NP) will be issued to all pregnant offenders within seven (7) business days of arrival at the institution.

A CDCR form 7410, Comprehensive Accommodation Chrono, for lower bunk and lower tier housing, if housed in a multi-tier housing unit, will be issued to all pregnant offenders. Pregnant offenders on methadone maintenance shall be recommended for immediate transfer to the California Institution for Women (CIW) through the CMO to CMO transfer process. (Refer to methadone treatment for pregnant offenders later in this Article).

54045.4 Medical Follow-up

Positively identified pregnant offenders shall be provided with the following:

- Within seven (7) business days, the pregnant offender shall be scheduled for her first OB visit wherein a thorough history and examination shall be performed by the Supervising Obstetrician or NP, to determine the term of pregnancy and plan of care. Diagnostic studies shall be ordered based on the information provided in the Hollister Maternal/Newborn Record System forms.
- Pregnant offenders shall be referred for HIV counseling and testing.
- Pregnancy termination counseling regarding pregnancy interruption shall be provided if requested by the offender.
- Pregnant offenders shall receive pregnancy and childbirth education, information pamphlets, and other pertinent material.
- Pregnant offenders shall receive prenatal vitamins, iron, and folic acid.
- Pregnant offenders shall receive two (2) extra cartons of milk, two (2) extra servings of fresh fruit, and two (2) extra servings of fresh vegetables daily. The physician may order additional nutrients as necessary.
- Pregnant offenders shall be issued a CDCR Form 7410 for any medical accommodations or restrictions if indicated.
- Pregnant offenders shall be referred to the dentist on a priority basis for evaluation and treatment of periodontal disease.
- The OB Coordinator shall prepare, in advance, a Request for Authorization of Temporary Removal form for all pregnant offenders within 30 days prior to the delivery date. These forms shall be delivered to the Watch Commander’s office. This shall enable custody staff to prepare the offender for transportation to an outside facility in a timely manner.
- Pregnant offenders shall be scheduled and ducated for their OB visits as follows, unless otherwise indicated by the supervising OB or NP:
  - Every 4 weeks in the first trimester and up to 24 – 26 weeks gestation.
  - Every 3 weeks up to 30 weeks gestation.
  - Every 2 weeks up to 36 weeks.
  - Weekly after 36 weeks up to delivery.
- Pregnant offenders shall be provided additional services based on the information provided in the Hollister Maternal/Newborn Record System forms.
- Every pregnant offender shall be referred to a Medical Social Worker for Case Management, to discuss placement of her unborn child and options available for proper placement and care of the child after delivery. A Medical Social Worker shall assist the pregnant offender with access to a phone to contact relatives even during their undeneded status regarding newborn placement. The Medical Social Worker shall initiate and oversee the management of all newborn placements.

54045.5 Outside Consultation – Labor

Each institution housing pregnant offenders, based on geographical location in relation to the hospital, shall develop a local operating procedure to ensure a safe and healthy delivery.

When the pregnant offender is sent for medical treatment or consultation to an outside facility, copies of all prenatal forms and the completed referral form to the outside facility shall accompany her. Any paperwork returning with the offender shall be given to the RN on duty in the Triage and Treatment Area (TTA), OHU or CTC, who shall notify the Supervising OB of the offender’s return, medical status, and recommendations.

At the time of labor/deliver, a copy of all prenatal forms shall accompany the offender to the hospital.

54045.6 Emergency Transport

The HCM/CMO shall ensure that all institution medical staff are instructed in the emergency protocol. In the event of an emergency transport for the delivery of a baby, the Supervising Obstetrician, Physician, or RN shall immediately be notified and provide appropriate assistance and/or orders. A pregnant offender in labor shall be treated as an emergency and shall be transported immediately via ambulance. The HCM/CMO or supervising Obstetrician shall be informed of all emergencies by the medical staff on duty and be apprised of the offender’s labor status.

The RN in the OHU, CTC, or OB clinic shall prepare all copies of prenatal forms that shall accompany the offender to the hospital. These prenatal forms shall be taken to the Watch commander’s office immediately.

Custody staff shall prepare and accompany the offender for transportation to the outside facility via ambulance following emergency transport procedures. All emergency medical transports shall take immediate priority and be expedited through the Vehicle Sallyport. The Watch Commander shall take all necessary steps to ensure the emergency transport is processed as quickly as possible. Emergency medical transports shall be allowed to depart institutional grounds before, during, or after any institutional count.

The Outside Patrol Sergeant shall coordinate with the Central Control Sergeant and the Watch Commander for clearance of the offender being transported through the Vehicle Sallyport. The Watch Commander shall immediately notify the Correctional Captain/Administrative Officer-of-the-Day (AOD) in the event an emergency medical transport is delayed for any reason.

The Watch Commander shall notify the AOD of a child’s birth. Notification shall include the name and CDC number of the offender, time of departure, location of transport, and time of delivery. The medical department shall notify the Watch Commander of any non-routine deliveries.

54045.7 Postpartum Care

Upon return, any inmate-patient who delivers a child via C-Section shall be admitted to the OHU or CTC via the TTA. Any offender who delivers a child vaginally shall be assessed in the TTA to determine appropriate housing and initiate postpartum care.

Orders for routine postpartum care shall be noted and initiated by the RN in the TTA, CTC, or OHU.

The Supervising Obstetrician or RN/NP shall determine when the offender is cleared for housing in the general population.

Medical lay-in shall be completed by the Supervising Obstetrician or RN/NP. A ducat shall be issued for the offender’s 6-week postpartum check-up. At the post-partum check-up, the Supervising Obstetrician or RN/NP shall determine whether the offender may be cleared for full duty or if medical restrictions are still warranted.

Offenders housed in the CTC shall follow the CTC policies and procedures as written. Offenders shall be afforded family planning services if their release and parole date fall within 6 to 8 weeks after delivery.

54045.8 Unit Health Records (UHR)

The OB Coordinator shall maintain a health record, which includes the offender’s name, CDC number, housing status, expected date of delivery, and the Hollister Maternal/Newborn Record System forms.

All documentation regarding pregnancy-related information shall be placed inside the Unit Health Record (UHR) by the Medical Records Department staff.

The Medical Records Department shall be notified of all pregnant offenders. Their responsibilities include:
• Entering the offender’s name on the OB roster for distribution.
• Updating the roster every two weeks and distribute it to pertinent staff.
• Obtaining the offender’s consent for record release and sending for any necessary medical records as requested by the provider. Prenatal records shall be faxed immediately.
• Maintaining the confidentiality of the UHR in accordance with Section 3370 of the Title 15.

54045.9 Methadone Maintenance
The CDCR shall provide methadone treatment to all pregnant offenders who have been on heroin or who are currently receiving methadone treatment. The HCM/CMO or designee shall ensure that all medical staff are instructed on the Methadone Maintenance Treatment Programs protocol and procedures of the institution. Offenders on methadone maintenance shall be recommended for immediate transfer to CIW through the CMO to CMO transfer process. The time and the last administered daily dose of methadone shall be verified by the OB Coordinator or RN on duty in the OHU, CTC, or TTA after hours, on weekends, and holidays; and reported to the HCM/CMO and the classification and Parole Representative. While awaiting transfer, the OB Physician or the Physician on Call (POC) after hours shall admit the offender to the OHU or CTC where she shall remain until the transfer process is complete.

54045.10 CIW Methadone Treatment
The RN in R&R shall notify the Supervising Obstetrician of any offender being processed in R&R who is determined to be pregnant either by her own admission, physical appearance and/or written documentation, and who has used heroin within 2-3 days prior to incarceration either by her own admission or written documentation by the parole agent. The offender shall be referred to verify pregnancy, drug screening, and initiation of methadone if treatment is indicated. Any pregnant offender receiving methadone treatment shall be enrolled in the Methadone Maintenance Program at the institution. The RN or MTA in R&R shall notify the Supervising Obstetrician of any pregnant offender on methadone treatment who has transferred from another institution, county jail, or from the community. Once methadone treatment, including the dose, has been verified, the offender shall be enrolled in the Methadone Maintenance Program. The treating physician of the methadone program shall provide regular assessment of all pregnant offenders on methadone. A methadone chart shall be initiated and maintained to include all the forms required by the State and Federal Drug and Alcohol Departments.

54045.11 Security
Staff shall supervise pregnant offenders in the same manner as other female offenders, with the exception of application of restraint gear and physical restraint of pregnant offenders with force. Restraint gear (handcuffs) and physical restraint shall only be utilized when a pregnant offender poses a threat to the physical safety of herself or others (including the unborn child), threat of substantial damage to state property, or attempted escape. No leg restraints or waist chains shall be applied to pregnant offenders. In every instance, special effort shall be made to avoid harm to the unborn child. If handcuffs are applied, the offender’s arms shall be brought to the front of her body for application. When transporting the offender off grounds for medical care and treatment, the application of restraint gear shall be restricted to handcuffs to the front of the offender only. The Request for Authorization of Temporary Removal for Medical Treatment Form (CDC Form 7252) shall state in the “Remarks” section, “Application of restraint gear limited to handcuffs in front of offender only.” At no time shall a pregnant offender who is in labor be placed in restraints by the wrists, ankles, or both, including during transport, delivery, and while in recovery at the hospital after giving birth. Recovery is the length of time the offender stays in the hospital after giving birth. Pregnant offenders who have committed a serious disciplinary offense warranting placement in an Administrative Segregation Unit (ASU) shall be placed in segregation status, pending medical evaluation and administrative review. When escorting an offender to the ASU, application of restraint gear shall be restricted to handcuffs to the front of the offender only. No leg restraints or waist chains shall be applied to pregnant offenders. The Prisonian or RN shall perform the medical evaluation, with concurrence of the POC, within 24-hours, to document the offender’s suitability for housing in the ASU. Pregnant offenders housed in the ASU shall be housed on the lower tier. Housing status, i.e., ASU or Security Housing Unit, does not require a special level of medical care. Medical care, regardless of housing status, shall be based on the offender’s medical condition as determined by appropriate medical care providers. The Facility Captain shall conduct the Administrative Segregation Placement Order review and hearing in accordance with applicable California Code of Regulations. If it is determined that the offender’s medical condition would not preclude housing in the ASU and her behavior warrants continuous segregation, the offender shall be retained in the ASU and housed on the first tier in a lower bed. The offender shall be referred to the Institutional Classification Committee if retention is recommended beyond 10 days. While in ASU, the offender shall continue to receive prenatal medical care and treatment.

54045.12 Diagnosis of Periodontal Disease
Pregnant offenders, in the second trimester, shall receive a comprehensive full mouth periodontal examination, charting, and classification to determine the periodontal condition and an appropriate treatment plan. The second trimester is the safest period in which to provide routine dental care. The emphasis in the dental treatment during this time period is to control active disease and eliminate potential problems that occur later in pregnancy. Elective dental care and treatment is best postponed since prolonged chair time should be avoided to prevent complication of supine hypotension. Pregnant offenders shall have their plaque index score determined and recorded on a CDCR Form 237B or 237C.

54045.13 Treatment of Periodontal Disease
Pregnant offenders shall benefit from the Periodontal Disease Program as delineated here and in Inmate Dental Services, Chapter 2.5, Periodontal Preventive Program for Pregnant Inmates.

54045.14 Education
Methods and procedures to control periodontal disease shall be taught and demonstrated to pregnant offenders by dental staff as outlined in Chapter 2.4, Periodontal Disease Program.

54045.15 Clinical Treatment
Pregnant offenders, in the second trimester, shall receive routine scaling and prophylaxis regardless of their ability to comply with acceptable personal oral hygiene procedures during the gestation period. This treatment shall occur within their second trimester of gestation. A re-evaluation shall be accomplished within the first half of the third trimester. Pregnant offenders with moderate or advanced periodontitis shall receive non-surgical deep scaling and root planning procedures, regardless of their ability to comply with acceptable personal oral hygiene procedures during the gestation period. This treatment shall occur within their second trimester. A charting and re-evaluation shall be accomplished 30 days following completion of deep scaling and root planning procedures, and subsequent follow-up care planned. The attending dentist shall not utilize subgingival periodontal medication (e.g., Atridox, Periostat, etc.) in the treatment of pregnant offenders. Tetracycline medications are contraindicated in the treatment of pregnant women.

All pregnant offenders’ periodontal treatment visits shall be documented by the attending dentist on the appropriate CDCR Form 237B or 237C.

54045.16 Child Birth
During pregnancy, the offender may elect to have a support person present during child birth. The support person may be an approved visitor or the institution’s Doula. The approval for the support person will rest with the Warden or designee and will be on a case-by-case review. Reason for denial shall be provided to the offender in writing and must address the safety/security concerns for the offender, infant, public, and/or staff. Offenders shall be allowed to walk as prescribed by the attending doctor. The area used to walk around will be determined based on security needs.

54045.17 Visiting
Appointed guardians of the child and individuals who wish to visit the inmate-patient and child in the hospital shall comply with applicable California Code of Regulations, Article 7, Visiting Rules.

54045.18 Pregnant Offender Property
Pregnant offenders will be allowed one additional larger pair of shoes to accommodate the swelling of their feet.

54045.19 Breastfeeding
Offenders shall be informed of the benefits of breastfeeding. In addition to the benefits, offenders should be educated about breastfeeding with active tuberculosis, HIV infection, illicit drug use, and while on certain prescribed medication. Offenders who choose to breastfeed their baby shall be allowed
access to a breast pump and refrigerator/freezer to store the pumped milk. The breast pump shall be a manual pump able to be cleaned with soap and water. Coordination for the milk to be picked-up by the child’s care giver shall be arranged prior to pumping and storing the milk.

54045.20 Community Treatment Programs

Any offender who gives birth after her receipt by the CDCR shall be provided notice of and written application for the Community Prisoner Mother Program (CPMP) and declared eligible to participate upon meeting the criteria. The notice shall contain the guidelines for qualification, the timeframe for application, the program, and the process for appealing a denial of admittance.

Family Foundations Program (FFP) is an alternative sentencing program in which mothers are recommended for placement by the sentencing court. When an offender who meets the criteria for FFP placement is received in prison, staff shall refer the offender’s case back to the sentencing judge recommending placement into the FFP program.

Any community treatment program shall include, but is not limited to:
- Prenatal Care.
- Access to prenatal vitamins.
- Childbirth education.
- Infant care.

54045.21 Revisions

The Associate Director, Female Offender Programs and Services, or designee, shall ensure the contents of this Section are current.

54045.22 References

Assembly Bill 478 (Lieber) (chapter 608, Statutes of 2005).
PC §§ 5007.7.
CCR §§ 3074.3
Assembly Bill 478 (Liebre) (chapter 608, Statutes of 2005).
PC §§ 5007.7.
CCR §§ 3074.3
Inmate Dental Services, Chapter 2.5, Periodontal Preventive Program for Pregnant Inmates.
Inmate Medical Services, Volume 4, Chapter 24.

Redesignated as DOM 93052 and 93053 on June 18, 1995

ARTICLE 46 — INMATE HOUSING ASSIGNMENTS

Effective April 13, 2009

54046.4 Review of Inmate’s Case Factors

All staff involved in the review and approval of an inmate’s housing assignment must be cognizant of all available factors to be considered prior to determining an inmate housing assignment.

When evaluating compatibility, the approving authority shall consider each inmate candidate’s background and make a discretionary decision based on case factors that include, but are not limited to, the following:
- Length of sentence.
- Enemies and victimization history.
- Criminal influence demonstrated over other inmates.
- Vulnerability of the inmate due to medical, mental health, and disabilities.
- Reason(s) for segregation.
- History of “S” suffix determination.
- History of in-cell assaults and/or violence.
- Prison gang or disruptive group affiliation and/or association.
- Nature of commitment offense.

Staff involved in the review of an inmate’s case factors must be particularly aware of factors that indicate an inmate has been either the victim of, or the perpetrator of, a sexual assault, and must screen for appropriate housing pursuant to Chapter 5, Article 44.

A classification committee and/or the screening authority shall review the Central File (C-file) and other available information to determine if the inmate has a history of in-cell assaultive, abusive, or predatory behavior towards a cellmate, or has been the victim of a sexual assault. A staff member at the level of a correctional supervisor or above shall be designated as the screening authority. Staff shall weigh circumstances documented in the C-file such as:
- Documented reports from a prior cellmate(s) the inmate intimidated, threatened, forced, and/or harassed him or her for sex.
- Documentation the cellmate(s) refused to return to a cell occupied by the inmate because of fear, threats, or abuse perpetrated by the inmate.
- Documentation the inmate has been the victim of a sexual assault.
- Adjudicated Department Rules Violations Reports (RVR) where the inmate was found guilty as a perpetrator in an act of physical abuse, sexual abuse, sodomy, or other act of force against a cellmate.

54046.5 Initial Screening

Revised September 6, 2013

Upon arrival at an institution reception center, a program institution, or an ASU or SHU, an inmate shall be screened for an appropriate housing assignment. The screening authority shall review the C-file and other available information, interview the inmate, and complete the Strategic Offender Management System (SOMS) Initial Housing Review (IHR).

Based on available information, including an interview with the inmate, the screening authority shall determine if the inmate is suitable for dorm/cell housing with or without restrictions. Restrictions are any case factors which may limit the inmate’s placement options at the institutions, such as, but not limited to:
- Security issues including ASU and SHU placement.
- Request for Protective Custody.
- Medical or mental health case factors.
- Integrated Housing Code.

Staff will continue to ensure current housing policies regarding special category inmates such as Coleman, Puente, Madrid, Armstrong, and Clark, covered under specific litigation, remain in place during the housing process. Staff will also ensure those inmates in need of effective communication will be provided appropriate accommodation during the process.

Additionally, the screening authority shall review prior in-cell behavior towards cell partners. Verification an inmate is or has been predatory towards a cell partner, has a history of in-cell sexual abuse, is or has been assaultive towards a cell partner, has been the victim of in-cell physical or sexual abuse, or demonstrates any significant in-cell violence against a cell partner, shall require the inmate be referred to a Unit Classification Committee (UCC) and/or an Institution Classification Committee (ICC) for single-cell status consideration.

The screening authority shall document the placement concerns which require single-cell assignment on the IHR. If the information is derived from the inmate interview, the screening authority shall document the interview information on a CDC Form 128-B, General Chrono, and reference it as supporting documentation by date on the IHR. If single-cell status is
recommended by a screening authority at the level of Correctional Sergeant, an approving authority at the level of Correctional Lieutenant or above will document their approval, or disapproval, on the IHR/Single Cell approval.

54046.5.1 Initial Screening – Administrative Segregation Unit/Security Housing Unit

Upon placement in an ASU or SHU, inmates shall be screened for an appropriate cell assignment. The segregation authority shall be a designated staff member at the level of Correctional Lieutenant or above. The segregation authority shall review the C-file and other available information, interview the inmate, and shall be responsible for ensuring the completion of CDC Form 114A-1, Inmate Segregation Profile.

Based on the available information, including an interview with the inmate, the segregation authority shall determine if the inmate is suitable for single-double-cell housing.

Verification an ASU or SHU inmate is or has been predatory towards a cell partner, has a history of in-cell sexual abuse, is or has been assaultive towards a cell partner, has been the victim of in-cell physical or sexual abuse, demonstrates any significant in-cell violence against a cell partner, or has a history of propensity for victimization, shall require the inmate be single celled pending administrative review and subsequent ICC review and approval.

The segregation authority shall document placement concerns which require single-cell assignment on the CDC Form 114A-1. If the information is based on the inmate interview, then the segregation authority shall document the interview information on a CDC Form 128-B, and reference it as supporting documentation by the date on the CDC Form 114A-1. In cases where the segregation authority temporarily approves an inmate for double-cell assignment pending Administrative Review, the decision shall be based upon an evaluation of the inmate’s case factors through review of the C-file or completed CDC Form 114A-1, consideration of reasons for ASU placement, and the interview with the inmate. The segregation authority shall complete a CDCR Form 1882-B, Administrative Segregation Unit/Security Housing Unit Double-Cell Review, and sign the CDC Form 114A-1, Inmate Segregation Profile, in the Special Information section, in the Double Cell/Pending Administrative Review box.

During the first workday following an inmate’s placement in ASU, the Administrative Reviewer shall review the screening authority’s cell determination and confirm or amend the screening authority’s temporary cell assignment.

The Administrative Reviewer decision shall be based on:

- Interview with the inmate.
- Review of the C-file and/or completed CDC Form 114A-1.
- Circumstance of ASU/SHU placement.
- Any medical issues and/or mental health clinical staff input.

The Administrative Reviewer shall note the decision for double cell or single cell assignment on the CDC Form 114A-1, Inmate Segregation Record, in the Daily Activity section, CDC Form 114A-1, and the CDC Form 114-D, Order for Placement/Retention ASU. The case shall be referred to ICC to review the inmate’s long-term housing assignment.

ICC shall review the inmate’s housing and safety concerns. ICC shall determine if the inmate is compatible with the other inmate assigned to the cell, if double celled. If the inmate is the only inmate assigned to the cell, ICC shall evaluate if the inmate is cleared for double-cell occupancy, or designate the inmate as being on single-cell status. If ICC confirms single cell assignment, an “S” suffix shall be applied to the inmate’s custody designation. This information shall be documented as a committee action on the CDC Form 128-G, Classification Chrono, entered in the Distributed Data Processing System (DDPS), and noted on the CDC Forms 114A, 114A-1, and 262, Custody Classification Assigned. Additionally, at each subsequent ASU/SHU review, ICC shall determine the suitability for double-single-cell occupancy.

54046.6 Documentation

The decision regarding inmate housing and determination of suitability for dormitory or celled housing, eligibility for double housing, or designation of single-cell status, shall be documented as follows:

- IHR.
- CDCR Form 1882-B.
- In the Evaluation section of the Institutional Staff Recommendation Summary for Reception Center inmates.
- On the CDC Form 128-G during the following actions:
  - Initial Review.
  - Annual Review.
  - Housing Review (including reasons for segregation).
  - Referral to the Classification Staff Representative.
  - Referral to the Departmental Review Board.

The designation of an “S” suffix shall be documented and affixed to the inmate’s custody on the following documents and data:

- CDC Form 262.
- Distributed Data Processing System.
- CDC Form 128-G.
- IHR.
- Temporary Single Cell Status Request.

Affixing and removing Single Cell and Temporary Single Cell Designation in SOMS

SOMS can accommodate the two types of Single Cell designations, Temporary Single Cell and Single Cell status (“S” suffix that has been affixed by Classification Committee).

The Temporary Single Cell is designed to appropriately house an inmate pending confirmation by Classification Committee and affixing an “S” suffix. A Temporary Single Cell is affixed in SOMS via SOMS screens IPTT105-Initial Housing Review or IPTS028B-Temporary Single Cell Status Request.

An “S” suffix must be entered in the Distributed Data Processing System (DDPS) via the Counselor entry screen. Once the entry is made in DDPS the “S” suffix is automatically transferred to SOMS within an hour of entry. Once SOMS has received the “S” suffix designation it is reflected in the Inmate Header and SOMS prevents the “S” suffix inmate from being housed with another inmate.

Review and Approval/Denial of Temporary Single Cell Status on the SOMS IHR

Temporary Single Cell requests must be approved by a staff member at the level of Correctional Lieutenant or higher. The Approving staff member shall note the Approval or Denial of the Temporary Single Cell in SOMS.

Confirmation/Denial of Temporary Single Cell requests at Classification Committee review in SOMS.

If as a result of Committee decision the Temporary Single Cell inmate will be given an “S” suffix, the approval will be entered on SOMS screen IPTS028B and the “S” will be entered in the Counseling entry screen of the DDPS. Once the “S” is entered in DDPS it will automatically update SOMS and the “S” will be displayed in the inmate’s SOMS Header.

If Committee elects to disapprove the “S” suffix no entry will be required in DDPS. However, the decision to remove the Temporary Single Cell must be entered in SOMS in order to remove the Temporary Single Cell status from the inmate.

If an inmate has been incorrectly identified as single-cell status after a UCC/ICC action, a subsequent UCC/ICC action shall be required to remove/correct the “S” suffix.

To reduce the possibility of housing single-cell status inmates with another inmate or non-designated single-cell housing status inmate, staff shall review the housing status of all inmates being processed for a bed cell move via SOMS prior to authorization.

54046.7 Double-Cell Assignments in General Population

Revised September 6, 2013

Unless approved for single-cell assignment, inmates are expected to share occupancy of living quarters, either in a dormitory setting or within an individual cell. The day of arrival at an institution, or a reception center, an IHR shall be completed, and if the screening authority determines there are no double-cell prohibitions, the inmate shall be expected to double cell. If the inmate refuses to double cell, progressive discipline shall be initiated, and the inmate will be considered for alternative and more restrictive housing.

54046.7.1 Double-Cell Assignments in ASU or SHU

In an ASU or SHU, determining double-cell assignment shall be based upon an evaluation of the involved inmate’s case factors through a review of the C-file, the reason for ASU or SHU placement, and an interview with the affected inmate(s). In these cases, the segregation authority shall complete a CDCR Form 1882-B, and sign the CDC Form 114A-1, Special Information section, in the Double-Cell/Pending Administrative Review box. The segregation authority shall note the decision for single or double-cell assignment on the CDC Form 114-A, Daily Activity section, and CDC Form 114A-1. The case shall be referred to ICC to review the inmate’s long-term housing assignment.
Unless approved for single-cell assignment, an inmate in ASU or SHU is expected to share a cell with another inmate. The process for assigning more than one inmate to the same cell in ASU and/or SHU shall be initiated by a staff recommendation or per request by the inmate candidate. The documentation of the process shall be recorded on the CDCR Form 1882-B.

Approval of double-cell assignments shall be based upon a review of the C-file, an interview with each inmate candidate, consideration of each inmate’s signature affirming compatibility, and an evaluation of security concerns. Each inmate candidate who agrees to the assignment is expected to sign the CDCR Form 1882-B to indicate compatibility prior to double celling the inmates. If an inmate refuses to sign the agreement, then this shall also be documented in the designated section of the CDCR Form 1882-B.

A staff member at the level of Correctional Officer, CC-I, or above shall complete parts 1 and 2 of the CDCR Form 1882-B by identifying the inmate of the request, interviewing each inmate candidate, and having the inmate candidates sign the form to indicate their placement in the same cell is a compatible assignment. The staff member performing this function shall also provide his or her printed name and signature as the staff witness, and date the CDCR Form 1882-B. The staff witness shall then forward the CDCR Form 1882-B to a staff member at the level of Correctional Lieutenant, CC-II, or above. The approving authority shall be responsible for considering each inmate’s case factors and deciding whether to approve or disapprove the proposed cell assignment. An approving authority may determine there is no information available to indicate the inmates are incompatible, but there are other circumstances that lead the evaluator to believe approving the assignment would be contrary to legitimate penological interests or may threaten institution safety and security.

54046.8 Single-Cell Criteria

Single-cell status shall be considered for those inmates who demonstrate a history of in-cell abuse, significant in-cell violence towards a cell partner, verification of predatory behavior towards a cell partner, or who have been victimized in-cell by another inmate. Staff shall consider the inmate’s pattern of behavior, not just an isolated incident. Staff must weigh information in the inmate’s C-file with correctional awareness and knowledge of the inmate population, facility environment, and the level of supervision in the housing unit. The following factors must be considered when evaluating single-cell status:

• An act of mutual combat in itself does not warrant single-cell status.
• Predatory behavior is characterized by aggressive, repeated attempts to physically or sexually abuse another inmate.
• Documented and verified instances of being a victim of in-cell physical or sexual abuse by another inmate.

Staff shall consider whether the inmate has since proven capable of being double celled. The classification committee shall consider the circumstances of a prior assault, length of time in general population without disciplinary violations, precipitating factors, or new issues affecting the inmate’s behavior.

When confidential information is relied upon to designate single-cell status, the reliability of the source shall be determined in accordance with the California Code of Regulations (CCR), Title 15, Section 3321, and shall be properly disclosed to the inmate via the CDC Form 1030, Confidential Information Disclosure.

54046.8.1 Single-Cell Assignments in ASU or SHU

In cases where an inmate on single-cell status is being referred to the General Population, the ICC is required to address the removal or the retention of the single-cell status as part of the referral for transfer review. The committee shall document the specific reason(s) on a CDC Form 128-G supporting the removal or retention of the single-cell status.

54046.9 Classification Review

The UCC/ICC shall review and determine an inmate’s need for single-cell status as part of the Initial and the Annual Classification Review. If upon review a UCC determines the “S” suffix is no longer warranted and an ICC imposed the “S” suffix, the UCC shall refer the case to ICC for review and final determination.

As it is the expectation all inmates will double cell, the determination of single-cell status shall be documented as part of the ICC review and updated at the inmate’s annual classification committee review. Prior to referral for transfer or placement consideration, the UCC or ICC shall determine the inmate’s need for continued single-cell status. A classification committee’s decision regarding involuntary cell assignments or housing status reevaluations shall be documented on a CDC Form 128-G.

54046.10 Recommendation for Double Cell or Single Cell Due to Mental Health Concerns

In cases where single-cell status is recommended by clinical staff due to mental health or medical concerns, a classification committee shall make the final determination of an inmate’s cell assignment. The classification committee shall consider the clinical recommendations made by the evaluating clinician with assistance from the clinician who participates in the committee and review the inmate’s case factors when determining the housing assignment. Single-cell status based upon clinical recommendation is usually a temporary short-term measure and must be periodically reviewed, minimally at an inmate’s annual review or more frequently at the UCC/ICC or clinician’s request.

54046.11 Disciplinary Factors

If an inmate refuses to be housed in appropriately determined housing, they shall be subject to the disciplinary process, with the potential to be housed in alternative and more restrictive housing. Refusal to participate will result in the issuance of a RVR for Conduct, CCR subsection 3005(c), Refusing to Accept Assigned Housing, for the specific act of Willfully Resisting, Delaying, or Obstructing any Peace Officer in the Performance of Duty (CCR subsection 3232(f)(6)), and shall be considered after the first RVR for placement in more restrictive housing such as an ASU or a SHU.

Violation of Refusing to Accept Assigned Housing of subsections 3005(c), 3232(f)(6), and 3232(g)(8) shall result in:

• First offense violation shall result in placement in Privilege Group C for up to 90 days.
• Second offense and subsequent offense violation(s) within a 12-month period shall result in placement on Privilege Group C for up to 180 days and a referral for a program failure to classification committee for placement on Work Group C and Privilege Group C. An inmate who is deemed a program failure by a classification committee is subject to having their personal property/appliances disposed of in accordance with procedures outlined in Section 3191.

Following the completion of the disciplinary process and a finding of guilt, security precautions and disciplinary restrictions may remain in effect for a period of time designated by the Senior Hearing Officer consistent with this policy. If a finding of not guilty results, the security precautions shall be removed.

54046.11.1 Placement in more Restrictive Housing

Any inmate charged with Refusing to Participate in the IHA shall be considered for placement in an ASU and reviewed by the ICC to determine the appropriateness of ASU retention, pending disciplinary matters and/or future housing considerations. At each ICC review, the inmate’s case factors shall be reviewed for the appropriateness of the double cell or dormitory approval status, and to determine if the inmate will participate in the IHA if case factors do not preclude such.

54046.11.2 Assessment of SHU Term

A determination period of confinement in a SHU may be established for an inmate when found guilty of Refusing to Participate in an IHA. The term shall be established by an ICC utilizing the standards set forth in the SHU Term Assessment Chart in CCR Section 3341.5.

54046.12 Revisions

The Director, Division of Adult Institutions or designee shall be responsible for ensuring the contents of this Article are kept current and accurate.

54046.13 References

CCR, Title 15, Division 3, Sections 3000, 3005(c), 3191, 3269, 3269.1, 3321, 3323(f)(6), 3323(g)(8), and 3341.5.

DOM, Chapter 5, Article 44.

ARTICLE 47 — INTEGRATED HOUSING

Effective January 18, 2008

54055.1 Policy

It is the policy of the California Department of Corrections and Rehabilitation (CDCR) that race will not be used as a primary determining factor in housing its inmate population. All inmate housing assignments shall be made on the basis of available information and individual case factors necessary to implement an integrated housing plan. This policy will ensure that housing practices are made consistent with the safety, security, treatment, and rehabilitative needs of the inmate, as well as the safety and security of the public, staff, and institutions.
It is the intent of the Department to establish a housing policy for male inmates that integrates them Department-wide, and that is consistent with housing practices already in place for female inmates.

54055.2 Purpose
The purpose of the Integrated Housing Policy (IHP) is to safely integrate inmates in celled and dormitory housing. This policy informs staff and inmates of their responsibilities, provides details of the integrated housing process and codes, and explains the ramifications of noncompliance.

54055.3 Definitions
Integrated Housing
Integrated Housing refers to the housing of inmates into beds without using race as the sole determinative criterion while minimizing any potential impact upon an inmate’s safety, and maintaining the safety and security of the public, staff, and institutions.

Integrated Housing Code
The Integrated Housing Code (IHC) is a housing code that reflects the inmate’s eligibility to be racially integrated in a housing environment. The inmate may be eligible to be housed with all races, with only certain races, or with only his own race based on individual case factors. The IHC will be assigned during the reception center intake process and is subject to review by a classification committee.

54055.4 Integrated Housing
An inmate’s race will not be used as a primary determining factor in housing an institution’s inmate population. Inmate housing assignments shall be made on the basis of available documentation and individual case factors to implement an IHP. Individual case factors include, but are not limited to:
- History of racial violence.
- Commitment offense/time to serve.
- Classification score.
- Custody level.
- Education.
- Disciplinary history.

Housing assignments will be determined in a manner that will ensure that the safety, security, treatment, and rehabilitative needs of the inmate are considered, as well as the safety and security of the public, staff, and institutions.

54055.5 Information Technology and Integrated Housing
The information contained in this section is applicable to male inmates. The CDCR will update the authorized computer tracking system fields to include coding that will be used to identify each inmate’s eligibility to integrate. Based on a review of an inmate’s individual case factors, all available information, and a personal interview with an inmate, an IHC will be assigned.

54055.5.1 Integrated Housing Codes
Revised October 9, 2013
- **RE** Racially Eligible: an inmate can live with members of any race.
- **RP** Restricted Partially: an inmate is unable to live with members of a particular race(s).
- **RO** Restricted to Own: an inmate can live only with members of his own race/ethnicity.
- **RT** Temporarily Restricted by Custody: this is used whenever custody has concerns about the inmate’s ability to be appropriately housed, pending further review.
- **RR** Restricted by Refusal: an inmate is otherwise eligible for integrated housing but refuses to participate. This inmate shall be restricted by management to ensure safety and security, but the basis of the restriction is the inmate’s refusal.

**Racially Eligible**
Inmates that are racially eligible to house with any race will be coded as **RE** in the Strategic Offender Management System (SOMS) Integrated Housing Review. It is the expectation of the CDCR that all inmates will be coded **RE**, unless specific case factors dictate otherwise. Those inmates that have been victims or perpetrators of racially motivated crimes shall be evaluated on their case factors in totality before being determined racially eligible or ineligible for an integrated housing assignment.

**Restricted Partially**
Inmates considered ineligible to house with inmates of a particular race shall be coded **RP** for Restricted Partially. For example, a Black inmate may be determined to be ineligible to house with Hispanic inmates, but eligible to house with White or Other inmates. This inmate would be coded **RP**. His ineligibility to house with another race/ethnicity shall be based on individual case factors. The individual case factors shall be considered by custody and classification staff in assigning this code. Assignment of this code will require staff to identify the races/ethnic groups with whom the inmate is determined ineligible to house.

**Restricted to Own (Race)**
Inmates who are determined eligible to be housed with only their own race or ethnic group based on individual case factors will be coded **RO** for Restricted to Own. During the intake process or classification process, when available information and case factors indicate the inmate cannot successfully house with inmates of other races, the **IHC of RO** will be applied. Inmates who are deemed restricted to their own race will not necessarily be precluded from integration in other aspects of institutional operations such as an integrated cellblock, dormitory setting, or program assignments.

**Temporarily Restricted by Custody**
Inmates with insufficient information or documentation for the Receiving and Release supervisor to make an objective determination shall be coded **RT** for Temporarily Restricted by Custody. This code may be used when conflicting information arrives with the inmate or when questionable statements or behavior by the inmate are observed that are not consistent with the inmate’s claim of eligibility. This code may also be used during the inmate’s incarceration when his observed behavior is not consistent with his assigned eligibility code and it is therefore appropriate to have the assigned code reviewed by classification committee. The **IHC of RT** is temporary and shall be changed when additional information and documentation are obtained and evaluated.

**Restricted by Refusal**
Inmates who are determined eligible to house with inmates of other races, but who simply refuse to house with a race other than their own, will be coded **RR** for Restricted by Refusal. This code will be used when an otherwise eligible inmate refuses to accept a housing assignment consistent with his IHC, and his case factors and all available information and documentation do not preclude such placement. Refusal to accept an integrated housing assignment, when all available documentation and information does not preclude such, shall result in disciplinary action. Additionally, the inmate will be deemed a threat to the safety and security of the institution, and will be considered for alternative and more restrictive housing such as an Administrative Segregation Unit (ASU), or a Security Housing Unit (SHU).

54055.6 Receiving and Release Responsibility for Determining Integrated Housing Eligibility
Inmates arriving in Receiving and Release at an institution will be interviewed by a custody supervisor in accordance with the established process for intake. The interview process will elicit initial information about the inmate that will be used, in conjunction with any known case factors, to determine the inmate’s housing eligibility. Staff will also consider other available information that would indicate or present an immediate risk or safety concern for the inmate, such as, but not limited to:
- Security issues including ASU placement.
- SHU.
- Request for Protective Custody.
- Prison gang or disruptive group affiliation or association.
- Medical or mental health issues.
- Length of term.
- Height, weight, and age.

Receiving and Release supervisors shall use the information provided during the interview with all available information and documentation to determine the inmate’s eligibility for an integrated housing assignment.

54055.7 Housing and Discipline
Revised October 9, 2013
Inmates will be housed in the first available and appropriate bed, consistent with their assigned IHC. Staff shall not delay housing an inmate in the first available and appropriate bed for the sole purpose of accomplishing an integrated assignment between races/ethnicities. When housing inmates, staff shall be alert to security issues that may be present, including the inmate’s prior placement in an ASU or SHU or documented safety concerns. Integrated housing procedures do not supersede housing policies governing the placement of inmates into special programs including, but not limited to, those of the Mental Health Services Delivery System.
Disciplinary Process
Inmates refusing to participate in the IHP, when all case factors deem they are eligible to participate, shall be issued a Rules Violation Report (RVR) for Conduct, California Code of Regulations Section 3005(c), Conduct, for the Specific Act of Willfully Resisting, Delaying, or Obstructing any Peace Officer in the Performance of Duty (Title 15 subsection 3323(f)(6)), a Division D offense. The inmate shall be recoded with an IHC of RR, Restricted by Refusal. The inmate shall be considered after the first RVR for placement in more restrictive housing such as an ASU or a SHU. At any time during this process the inmate may elect to participate in the IHP.

Disciplinary restrictions will be applied as a result of a disciplinary process where inmates are afforded due process. Inmates found guilty of committing a Refusal to Participate in the IHP offense through the inmate disciplinary process may be subject to credit and privilege loss process. The suspension of privileges based on a finding of guilt in a disciplinary hearing, pursuant to CCR Section 3269.1, shall be assessed as follows:

- First offense: A finding of guilt in a disciplinary hearing for Refusal to Participate in the IHP may result in the loss of privileges including, but not limited to, any or all of the following, for up to a 90 day period:
  - Canteen.
  - Appliances.
  - Vendor Packages.
  - Telephone Privileges.
  - Personal Property.
- Second or subsequent offense: A finding of guilt in a disciplinary hearing for Refusal to Participate in the IHP may result in the loss of any or all of these privileges for up to a 180 day period.

Following the completion of the disciplinary process and a finding of guilt, security precautions and disciplinary restrictions may remain in effect for a period of time designated by the Senior Hearing Officer consistent with this policy. If a finding of not guilty results, the security precautions shall be removed.

Classification
Any inmate charged with Refusing to Participate in the IHP shall be considered for placement in an ASU and reviewed by the Institution Classification Committee (ICC) to determine the appropriateness of ASU retention, pending disciplinary matters, and/or future housing considerations. At each ICC review, the inmate’s case factors shall be reviewed for the appropriateness of the inmates IHC, and to determine if the inmate will participate in the IHP if case factors do not preclude such.

Assessment of SHU Term
A determinate period of confinement in a SHU may be established for an inmate when found guilty of Refusing to Participate in an IHP per Section 3005(b), Conduct, Refusing to Participate in an IHP. The term shall be established by the ICC utilizing the standards set forth in the SHU Term Assessment Chart in CCR Section 3341.5.

Temporary Suspension of Assignments to Integrated Housing
In the event that management determines that a temporary suspension of assignments to integrated beds within a unit is warranted, the Warden or designee shall request approval from their mission-based Associate Director for a temporary suspension of integrated housing assignments consistent with the lockdown and modified program protocols defined in Department Operations Manual Article 55015. Regular housing assignment procedures shall be resumed in accordance with the IHP policy upon resolution of the incident.

54055.10 Revisions
The Director, Division of Adult Institutions, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

54055.11 References
Johnson v. California, 125 S. Ct. 1141 (2005), Settlement and Release Agreement.
CCR, Title 15, Division 3, Section 3269.

ARTICLE 48 — TRANSITIONAL HOUSING UNIT
Effective December 21, 2009

54058.1 Policy
The Transitional Housing Unit (THU) provides a program of observation to evaluate that an inmate has successfully disassociated from prison gang activity, and that they are capable of programming in a General Population (GP) setting.

54058.2 Purpose
Inmates must have completed the first phase of the debriefing process from a validated prison gang in order to be placed into the THU. Placement into the THU can be from either a Security Housing Unit (SHU) or from GP. Inmates will be admitted into the program to participate in multifaceted programming components designed to verify the inmate is able to successfully integrate back into the GP.

54058.3 Criteria for Entry into the THU
The THU is primarily designed for inmates who have served lengthy SHU terms due to validated gang affiliation and activity, although it shall also be made available to inmates currently housed on a GP who are involved in gang activity but desire to participate in the debriefing process. The Correctional Counselor shall screen inmate candidates and present them to the Institutional Classification Committee (ICC) for approval. The minimum eligible criteria shall consist of:

- The debriefing interview as set forth in California Code of Regulations, Section 3378.1(b) must be satisfactorily completed at the institutional level through the Institution Gang Investigator, and the debriefing package submitted to the Office of Correctional Safety.
- The inmate must be willing to commit to personal change and provide staff with sufficient evidence of their sincerity to the extent that staff feel confident of that commitment.

The debriefing process is designed to review and monitor the sincerity of each individual and ensure that the inmate participating in the process is not a threat to staff or other inmates, and has sincerely renounced all prison gang activities.

The first portion of the debriefing process is designed to obtain sufficient verifiable information from the inmate about their gang related activity, which is detrimental to the gang such that the gang will no longer accept the subject as either a member or associate. Also, a successful debriefing provides staff with information about the gang’s structure, activities, and affiliates.

The second portion of the debriefing process will involve participation in the THU program. The THU program allows for a period of staff observation, and a time for the inmate to adjust back into an integrated group yard setting and double celled housing. This observation/adjustment period helps to ensure that an inmate will be able to program with inmates of all races and ethnic groups, as well as other disassociated prison gang members/associates.

54058.4 Methods
This article provides the policies that are necessary to establish a THU at a designated institution. The THU program will be up to a 6 month program consisting of components to include, but not be limited to, conflict resolution, anger control, substance abuse education, communication skills, individual counseling, and group exercises.

THU inmates shall be required to attend and actively participate in the program, and shall be assigned work group/privilege group A1A. Inmates shall be advised of program expectations and that inappropriate behavior may result in the issuance of a Rules Violation Report. Any disciplinary action deemed serious in nature, or one that is related to gang activity, shall result in referral to an ICC for program review and possible removal from the THU.
54058.5 Stages of the Program

The THU program at the designated institutions will be carried out in three stages.

Stage I – Orientation Status

Upon arrival at the designated institution, THU designated inmates shall be placed on orientation status not to exceed 14 calendar days. This period of orientation has been established for the inmate’s safety. It affords inmates the opportunity to familiarize themselves with the prison and apprise appropriate staff members of any problem situation, such as potential enemies, prior to being placed in the actual THU program. During the orientation period, the inmate shall be housed in a THU orientation designated section, and considered for double cell housing by ICC. Inmates shall appear before a classification committee to affirm proper endorsement into the THU program and for appropriate program assignment.

During this period:
- Inmates’ program activities will be limited to housing unit activities, and will not include yard or dayroom activities. Authorized emergency phone calls will be allowed. All inmates shall be fed in their cell during this phase.
- Inmates shall be escorted when it is necessary for them to leave the unit.
- Interviews, tests, and other activities related to the orientation process shall be conducted within the orientation unit, when possible.
- Inmates will be reminded that gang related activity or behavior of any nature will not be tolerated, and will be grounds for dismissal from the program.
- All inmates on THU orientation status will be instructed to contact the assigned housing unit floor officer and/or assigned correctional counselor about questions or issues that arise.
- Following their appearance before committee, eligible inmates will be removed from THU orientation status and assigned to the second stage of the program.

Stage II – Program and Participation

Upon completion of the Stage I orientation, participants shall be placed in the THU GP portion of the program, for approximately five and one-half months.

During this period:
- Inmates are allowed to participate in dayroom and yard activities, as well as eat in the THU dining hall.
- Inmates are required to double cell in accordance with the Department’s Integrated Housing and Housing Assignment Policy (see Title 15, Sections 3269 and 3269.1). Failure to comply may result in the inmate failing to satisfactorily complete the THU program.
- Inmates must participate in one or more of the available self-help group activities, such as Alcoholics Anonymous, Narcotics Anonymous, Conflict and Anger/Lifelong Management, Substance Abuse Education, Basic Vocational Skills, and Alternatives to Violence or victim awareness programs. Inmates must also participate in any assigned Adult Basic Education and General Education Development.
- Inmates in this stage of the program shall be allowed special purchases, canteen draw, and allowed to attend religious services when offered. These privileges shall not conflict with a work assignment unless otherwise permitted in regulations.
- Inmates are eligible for work assignments as THU mentors, THU housing unit porters, or THU clerks.

Stage III – Completion

Upon satisfactory completion of the THU program, inmates shall be housed in a specific portion of the THU housing unit, and will be referred to a classification committee for transfer consideration. Pending transfer, inmates will be assigned as mentors to other THU inmates or to other work assignments as available, and retain their work/privileges group designation. Inmates failing to satisfactorily complete the THU program shall be referred to ICC for further program and housing determination.

54058.6 THU Custody Operations

Custody operations are designed to provide adequate services for an inmate’s housing and program needs. These services, with certain limitations, are the same basic services offered to GP inmates. They shall allow the THU inmates meaningful interaction with other inmates within the THU program. Limitations will occur in the process of ensuring THU inmates are separate at all times from other GP inmates due to potential safety concerns related to gang disassociation. Although it is recognized that the THU inmates will ultimately be integrated into various GP settings, their initial status and program restrictions require that THU inmates be separated from non-THU inmates. All movement to any satellite service or function outside of the THU housing unit shall be by staff escort and require the securing of all accessible gates, doors, and adjacent inmate programs. All canteen will be dispersed inside the THU. Visiting accessibility is required and must be incorporated into the institutional visiting schedule, according to the Department’s inmate visiting regulations.

All specifics relative to such inmate activities as canteen, telephone calls, dayroom activities, etc., shall be set forth in the designated institution’s DOM supplement.

54058.7 Revisions

The Director, Division of Adult Institutions, shall ensure the contents of this Article are current.

54058.8 References

CCR §§ 3000, 3378, 3378.1, 3378.3, 3269, and 3269.1. DOM articles 52070, 54046, and 54055.

ARTICLE 49 — INMATE CLOTHING AND LAUNDRY EXCHANGE SERVICES

Effective January 8, 1990

54060.1 Policy

The Department shall provide and maintain a basic issue of clothing for all inmates that shall enable them to present a neat and acceptable appearance in their assignment and leisure time activities.

54060.2 Purpose

This Article establishes the procedure for the issue, exchange, replacement, and laundry of clothing and linens.

54060.3 Initial Budgeted Complement

Clothing and bedding provided to inmates shall be limited to the styles and types approved for Prison Industry production. Other clothing requirements shall be acquired through the normal purchasing process. Funds shall be budgeted to provide a complement of clothing items on an initial and replacement basis.

54060.4 Male Reception Center Clothing

Updated February 2, 2011

Male inmates being processed upon reception to the Department shall be issued quantities of clothing in accordance with items detailed in DOM 54060.6. Green outer clothing may be issued in lieu of regular blues.
- Inmates have the option of sending personal clothing in their possession upon arrival at the reception center to:
  - Family or friends at their own expense.
  - Donating the clothing to the institution.
  - Donating the clothes to a charitable organization.

54060.4.1 Female Reception Center Clothing

Updated February 2, 2011

Female reception center inmates shall be issued quantities of clothing in accordance with the items detailed in DOM 54060.6.1. Personal clothing may be worn in lieu of institutional-issued clothing.
- Female inmates upon arrival at a reception center for processing have the option of retaining three sets of personal clothing consisting of pants and tops or dresses. Lettering, pictures or logos on clothing is not permitted except manufacturer's logo.
- Excess personal clothing, at the inmate’s option, shall be:
  - Sent to family or friends at inmate’s own expense.
  - Donated to the institution.
  - Donated to a charitable organization.

54060.4.2 Basis for Budgeted Clothing at Reception Centers

Shoes, socks, and underclothing shall be budgeted on the number of cases processed, while other items of clothing shall be based on the average daily population.

54060.5 Special Clothing

Special clothing shall be provided for all workers who have assignments that require either distinctive clothing or protective clothing, such as culinary, medical/dental, gym, conservation camps and maintenance assignments. When special clothing is required, it shall be purchased from the operating expense allotment of that particular activity.
54060.5.1 Transportation Clothing
During interdepartmental transportation of male inmates, red, one-piece coveralls shall be provided by the transportation unit on an exchange basis with the respective institutions. Female inmates shall be provided two-piece orange jump suits for interdepartmental transfer by the transportation unit. Inmates shall wear their regular issue shoes, socks, underclothes, T-shirts and may take one handkerchief.

54060.5.2 Court Clothing
Inmates appearing in court shall be dressed in clean, blue denim or khaki chambray shirts and trousers unless otherwise ordered by the court (male and female).

54060.5.3 Release Clothing
Inmates shall be encouraged to supply all or a portion of their release clothing. An inmate may have clothing at home to wear upon release preferable to state-issued clothing. Additionally, the inmate’s family or friends may be able to supply clothing for release. These possibilities shall be explored with the inmate by institutional staff. Institutions may offer alteration services for privately furnished release clothing.

State-issued release clothing shall be kept to a minimum. State-issued release clothing shall be charged against the inmate’s release allowance.

54060.5.4 Reentry Clothing
Prior to an inmate’s transfer to a reentry program, the sending institution shall provide appropriate dress-out clothing in keeping with the inmate’s reentry program needs.

54060.5.5 Special Altered Clothing
For inmates that require specially made clothing, non-medical, the captain, or designee shall submit a written request for the clothing to the clothing distribution supervisor. For inmates requiring clothing modification for medical reasons, the CMO shall initiate the request. Informational copies of the requests shall be distributed to linen issue, laundry supervisor and the warehouse manager. The item restriction (DOM 54060.6) shall not apply to specially altered clothing.

54060.6 Standard Clothing Issue for Male Inmates
Revised May 27, 1992
The minimum standard clothing complement for male inmates, including initial issue, is as follows:
- Three pair jeans, blue denim
- Three shirts, blue chambray
- Four T-shirts, white
- Six pair socks, stretch
- Four pair shorts
- One jacket, blue denim
- One belt, web
- One pair work shoes
- Two sheets
- One pillow case
- Two blankets
- Two towels

No lettering or pictures, exclusive of manufacturer’s logos.
Inmates assigned to special jobs (e.g., dairy, garage, and plumbing) may be allowed to have extra clothing, extra exchange, or both, as determined by the Warden.

54060.6.1 Standard Clothing Issue for Female Inmates
Revised May 27, 1992
Female inmates may wear their personal clothing rather than their state issued clothing. The minimum standard clothing complement for female inmates, including initial issue, is as follows:
- Three blouses/T-shirts
- Three pair slacks
- Three bras (complement each six months)
- One dress (muu-muu)/robe/duster
- One coat
- Five panties (complement each six months)
- One nightgown
- One pair work shoes
- Six pair socks
- Two sheets
- One pillow case
- Two towels
- Two blankets

No lettering or pictures, exclusive of manufacturer’s logos.

54060.6.2 Nylon Jacket and Liner
In addition to the denim jacket, a nylon cloth jacket and liner may be provided for inmates who are required to work out-of-doors in inclement weather on a regular basis.

54060.7 CDC Form 176 Clothing Record Card
All clothing issues shall be posted on a CDC Form 176, Clothing Record Card. The CDC Form 176 shall be retained in the clothing room. Inmates shall be held accountable for all issued clothing.

54060.7.1 New Arrivals – Male Inmates
When entering an institution, each male inmate shall be issued by the institution’s receiving and release (R&R) staff the following:
- One shirt.
- One pair blue jeans.
- One pair shorts.
- One T-shirt.
- One pair socks.
- One pair shoes.
- Two sheets.
- One pillow case.
- One towel.
- Two blankets.

The R&R sergeant shall send the clothing room a laundry slip with the inmate’s name, number, and the size of clothing needed in addition to the new arrival issue.

54060.7.2 Initial Clothing Issue (“Fish” Bundle)
Updated February 2, 2011
Upon receipt of a laundry slip, the clothing room shall issue new arrivals a “fish” bundle. The bundle shall bring each inmate’s complement of state-issue clothing up to standard issue as outlined in DOM 54060.6.

54060.7.3 New Arrivals – Female Inmates
Updated February 2, 2011
The Associate Warden, Business Services, or designee shall establish the schedule and location of exchange for all clothing and linens.

A new female inmate arrival will be provided state issue clothing up to the maximum allowable in DOM 54060.6.1 that was not received during reception processing.

54060.8 Clothing and Linen Exchange
The following clothing and linen exchange shall be provided to inmates each week and shall be limited to a one-for-one laundry exchange:
- Two shirts/two blouses.
- Two pairs jeans/two pairs slacks.
- Three T-shirts.
- Three undershorts/three panties.
- Two sheets.
- One pillow case.
- Three pairs socks.
- Two towels.

54060.9 Damaged/Worn Out Clothing or Linen
Inmates and correctional employees shall not dispose of damaged/worn out clothing or linen. These items shall be returned to the clothing room. All items deemed repairable shall be repaired and reissued. Non-repairable items shall be set aside for “rag” usage or discarded at the discretion of the clothing room supervisor. Exchanges shall be recorded on CDC Form 176.

54060.9.1 Issue or Exchange of Shoes/Boots
The Department has established the issuance of serviceable used shoes/boots to inmates on an as-needed basis. The clothing room supervisor shall personally review all requests and make a determination on whether to issue replacement. If the supervisor does not have a pair of serviceable used
shoes/boots in the requested size, they shall issue from new stock to the inmate concerned.

54060.9.2 Orthopedic Shoes
For inmates requiring orthopedic shoes, the institution physician shall provide written approval, by a CDC Form 128-C, medical chrono, specifying the type or variance needed. The chrono and copies shall be distributed to the inmate, clothing distribution, medical file and C-File.

54060.9.3 Mattress Exchange
All mattresses shall meet construction and flammability standards established for CALPFA products. Damaged or worn out mattresses shall be taken to the designated location during established hours of exchange. The Associate Warden of Business Services, or designee shall establish the schedule and locations for the exchange. Unit/program staff shall inspect all mattresses periodically for replacement.

54060.9.4 Blanket Exchange
Blankets that have been soiled or worn out shall be exchanged, one-for-one, at the designated location and pursuant to an established schedule. Exchange shall be bi-annual or on an as-needed basis upon approval by correctional staff.

Inmates having a documented allergy to wool shall be issued a thermal cotton blanket. The institution physician shall provide a CDC Form 128-C, medical chrono, confirming the allergy. The CDC Form 128-C shall be distributed to the C-File, medical file, clothing room supervisor and inmate. Exchange shall be on an as needed basis.

54060.9.5 Contaminated Inmate Clothing and Bedding
State-issued/personal clothing, linen, pillows, mattresses and blankets which have become contaminated shall be placed in a marked “contaminated” plastic bag or container and taken directly to a designated location for proper decontamination or disposal.

54060.9.6 Shortages
Inmates shall account for their issued clothing and bedding. If a shortage occurs, through no fault of the inmate and verified by correctional staff, the short items shall be replaced.

• Inmates who have lost issued clothing and bedding shall notify unit staff who shall issue a replacement slip to the clothing room. A CDC Form 193, Trust Account Withdrawal Order, shall be prepared for replacement costs and submitted with the replacement slip.

54060.9.7 Excess Clothing
Inmates may possess only those items of state clothing and linen that have been issued and items of personal clothing authorized and acquired in accordance with departmental procedure. Excess items of state clothing and linen shall be confiscated by correctional staff and returned to the clothing room for reissuing.

54060.9.8 Altered Clothing and Linen
Inmates shall not alter state-issued clothing or linen in any manner without specific authority to do so. If regular issue clothing does not meet a special need because of physical problems, the institution medical officer may authorize special issue.

• Inmates shall not alter their own or another inmate's personally owned clothing in any manner that would change its characteristics or style from that approved for its acceptance into the institution.

54060.10 Rags
All linens and underwear (T-shirts and shorts) that are declared beyond repair or usage by the institution clothing room supervisor shall be used as rags. The laundry room personnel shall dye these yellow. Any inmate having in their possession torn clothing or linen that is not dyed shall be subject to disciplinary action.

• Deliberate destruction of state-issued property shall result in a CDC Form 115, Rules Violation Report, being submitted.

54060.11 Special Housing Clothing
Inmates housed in special housing units who are unable to go to the laundry room shall exchange clothing and linen in their respective unit. Correctional staff shall prepare a clothing/linen exchange list with the size requirements to meet the needs of the inmates. Once clean linen and clothing is received, the unit staff shall exchange on a one-for-one basis according to the unit's pre-arranged schedule.

54060.12 Departing Inmates
All inmates departing an institution (i.e., transferred, paroled, and discharged) shall return their complete clothing and linen issue to receiving and release (R&R). The only exception may be items that may be needed for overnight; and these items shall be returned to R&R prior to departure. All items returned shall be posted on CDC Form 176, Clothing Record Card. R&R shall return all items collected to the laundry.

• Special housing inmates’ release check-out shall be completed in their units.

54060.13 Revisions
Updated February 2, 2011
The Director, Division of Adult Institutions or designee shall ensure that the contents of this Article are current.

54060.14 References
PC §§ 2084, 5054, and 5058.
CCR (15) (3) §§ 3011, 3030 - 3033.
ACA Standards 4-4263 and 4-4334 through 4-4340.

ARTICLE 50 — CANTEEN
Revised November 19, 2010

54070.1 Policy
Canteens for inmate use shall be established in all institutions and camps of the Department pursuant to the California Penal Code (PC) Section 5005. The administration of canteens shall conform to all applicable laws, regulations, and the content of this procedure.

Designated staff shall assure:

• That all funds earned as profit from such canteens shall be deposited in the Inmate Welfare Fund (IWF).

• That unless a uniform price on a canteen item is established, articles in inmate canteens shall be sold at the lowest possible price that assures the profit margin established in the annual budget and is sufficient to support the institution’s IWF program.

• That all commodities sold in canteens are approved items for that purpose.

• That a price list is established, kept current, and posted at the inmate canteen. Copies shall be made available to inmates and a copy shall be forwarded to the IWF Manager, Central Office.

54070.2 Purpose
The purpose of this section is to provide a standardized inmate canteen procedure that establishes guidelines for use, storage, accountability, and ordering of supplies. It provides for the purchase of approved merchandise for the inmate population from outside vendors, and establishes a method to prevent the introduction of contraband and/or unauthorized items into the prison through special canteen orders.

54070.3 Responsibility
The Warden shall be responsible for the administration of the institutional canteen program. They may delegate the administration/supervision of this program to the Associate Warden of Business Services.

Associate Warden, Business Services
The Associate Warden of Business Services shall assign or delegate one of their subordinates to:

• Supervise the canteen manager.

• Ensure canteens are well-stocked with approved sale items and a list of available approved merchandise, prices for each item, and canteen operating hours are posted at each canteen.

• Implement the provisions of this section.

• Periodically consult with the inmate Institution Advisory Council (IAC) and/or their inmate canteen committee in canteen stock selections.

Captain
The captain shall ensure that all canteen lines are properly supervised and controlled during the canteen hours of operation. Sufficient custody staff shall be assigned to provide direct supervision and control to ensure the safety and security of the canteens.

54070.4 Trust Statements
Inmates shall be issued account statements upon their written request from the Trust Office that reflects an inmate’s current balance, provided 90 days have elapsed since their previous request.

Inmates shall be permitted to withdraw from their accounts by signing a canteen sales receipt.
54070.5 Canteen Draw Schedule
A canteen draw schedule developed by the trust office and approved by the Warden or their designee, shall:

- Be published at least semi-annually.
- Be posted in the housing units at each institution and camp.
- List three canteen draws for each month based on the last two digits of the inmate’s departmental identification number.

Each inmate may draw funds from their trust account for canteen purchase no less than once per month in accordance with the posted schedule. If an inmate misses a scheduled draw for their group (last two digits), they may submit a request for a “make-up” draw.

Note: Due to overpopulation at some institutions, some Wardens do not authorize a “make-up” draw.

54070.5.1 Canteen Sales Receipt
When purchasing merchandise inmates shall:

- Complete an itemized order list prior to purchasing canteen items.
- Place a clear thumb print or three fingerprints on the canteen sales receipt.
- Sign the canteen sales receipt each time a purchase is made to acknowledge the amount of the purchase and the remaining balance. Segregated inmates shall sign the approved canteen shopping list prior to submitting it to the segregation unit staff authorizing the Trust Account withdrawal, and upon receipt of the merchandise, shall sign the approved institution distribution forms to verify the amount purchased and received.

54070.5.2 Non-routine Canteen Draw
Newly arrived inmates may, within 30 days of arrival, be permitted to make purchases at the canteen during any scheduled draw regardless of their last two digits of departmental identification number. Such exceptions shall not be made for the inmate’s subsequent draws.

- Conservation camp inmates shall submit their request for canteen draw to the camp lieutenant or designee.
- Segregated inmates shall not be permitted to go to canteen and shall submit their canteen shopping list to the segregation unit staff.
- Outpatient Housing Unit (OHU), Correctional Treatment Center (CTC), General Acute Care Hospital (GACH), or Department of Mental Health (DMH) patients shall submit their canteen shopping list to the OHU, CTC, GACH, or DMH unit staff.

54070.6 Maximum Monthly Canteen Draw
Revised December 14, 2012
The maximum amount allowed to be withdrawn from an inmate’s trust account for the purpose of canteen purchases is $220.00.

The maximum amount an inmate may withdraw for canteen purposes is in accordance with their IW/TIP privilege group. (Refer to DOM, Section 53130 or CCR, Section 3044.) The maximum draw for each privilege group is:

- Privilege group A: Maximum monthly canteen draw as authorized by the Secretary.
- Privilege group B: One-half the maximum monthly canteen draw as authorized by the Secretary.
- Privilege group C: One-fourth the maximum monthly canteen draw as authorized by the Secretary.
- Privilege group D: One-fourth the maximum monthly canteen draw as authorized by the Secretary.
- Privilege group U: One-half of the maximum monthly canteen draw as authorized by the Secretary.

Withdrawal orders received by the Trust Office, requesting an amount larger than the inmate’s work/training privilege group maximum authorized draw shall be reduced by Trust Office staff to comply with the inmate’s work/training privilege group limit. An inmate’s regular canteen purchases shall not exceed the limits above or the inmate’s trust account balance, whichever is less.

- All inmates shall present their picture identification card to the canteen staff to purchase canteen items or ducats.
- Canteen staff shall review SOMS to determine the inmate’s privilege group.

Each inmate shall complete an itemized order list prior to arrival at the canteen for purchases.

54070.6.1 AD-SEG Inmate
Inmates confined to AD-SEG status shall submit their canteen shopping list to the unit staff. Inmates assigned to this unit shall draw according to the last two digits of their identification numbers the same as the general population. Orders placed by these inmates shall be delivered by staff. The inmates shall not be permitted to go to the canteen. Segregated inmates shall sign the approved canteen shopping list prior to submitting it to the segregation unit staff authorizing the Trust Account withdrawal and upon receipt of the merchandise, shall sign the approved institution distribution forms to verify the amount purchased and received.

54070.6.1.1 General Population Lockdown
During a general population lockdown, canteen purchases may or may not be permitted at the Warden’s discretion.

54070.6.2 OHU, CTC, GACH, or DMH Inmate
OHU, CTC, GACH, or DMH patients shall submit their canteen shopping list to the OHU, CTC, GACH, or DMH unit staff for processing.

Patients shall submit their lists of canteen purchases to the OHU, CTC, GACH, or DMH unit staff for the appropriate draw each week up to their maximum monthly privilege group amount or their available trust account total, whichever is less. The OHU, CTC, GACH, or DMH staff shall submit the order to the canteen and return the filled order to the inmate.

54070.6.3 Camp Inmate
Conservation camp inmates shall submit their request for canteen draw to the camp lieutenant or designee for processing.

54070.6.4 Transferred Inmates
Inmates arriving at the institution from other institutions shall be allowed to keep any item purchased at the canteen of the institution from which they came, unless the articles were obtained in an illegal manner or are not allowable property at the receiving institution.

Inmate canteen ducats shall not be transferred to other institutions. These ducats shall be returned to the canteen to be canceled when the inmate is transferred and the value of the ducats shall be posted on the inmate’s trust account.

54070.6.5 Inmates on Loss of Privilege Status
Inmates on loss of canteen privilege pursuant to 3090(d) status shall not purchase canteen during the period of loss of canteen privileges. One monthly draw shall be lost for each 30 day loss of privileges. The disciplinary hearing officer or disciplinary committee shall notify the canteen and trust office in writing of the loss of canteen privileges.

54070.7 Redemption of Canteen Yard Ducats
On May 31 of each year ducats of a different color shall be made available and only these ducats shall then be authorized. The institution shall provide sufficient notice of the ducat exchange by posting this information in a conspicuous location available to the inmate population and by using any other means available which shall have the effect of notifying all inmates. June 30 is the established date by which to exchange old ducats for new.

Upon expiration of the established period of time, ducats shall not be accepted for purchase, exchange, or redemption, except in cases of extenuating circumstances, such as the inmate being out-to-court or in any medical or mental health facility licensed under Title 22 of the California Code of Regulations.

54070.8 Hours of Operation
A working canteen schedule for each facility shall be established by the Business Office and approved by the Associate Warden, Business Services, and shall consider input from the Inmate Advisory Council. The hours that canteens shall be open each day shall be posted for the benefit of all concerned. The canteens shall be closed on inventory days.

54070.9 Quantity
Inmates shall not possess canteen items and ducats (combined) in excess of the authorized monthly allowable canteen dollar limit as set by the Director. Possession of canteen items and/or ducats in excess of this limit shall result in the issuance of a disciplinary report and confiscation of the excess items and/or ducats.

Special purchases of merchandise not carried in stock shall not be included in this limitation. Confiscated items shall be stored in a secure area pending adjudication of the disciplinary charges and resolution of any appeal of the disciplinary finding or disposition.
The canteen and the IWF canteen warehouse shall be closed a minimum of two days each month for inventory and reconciliation of the Consolidated Inventory Report (IRR). The IWF canteen warehouse shall be inventoried by a materials and stores supervisor and verified by the canteen manager. At least two teams consisting of either canteen civil service personnel only or two teams consisting of a civil service employee and an inmate on each team shall take separate monthly inventories of the canteen merchandise. The two counts are then compared and any differences shall be recounted. The Consolidated Inventory Report (CIR) shall be prepared by a civil service employee only. The original listing of the monthly count sheets shall be retained along with the working copy of the monthly CIR. Upon verification of both the IRR and CIR, the reports shall be turned in to the IWF accountant by the canteen manager.

Inmates may, at his/her discretion, modify the time allotment based on operational necessity. Inmates shall be allowed 20 minutes in the dining halls to eat the two hot meals per day requirement may be allowed to accommodate variations to the two hot meals per day requirement may be allowed to accommodate.

A review of CDCR Menu

The standardized CDCR Menu and nutritional analysis shall be reviewed by a registered dietitian on an annual basis to ensure compliance with the RDA and DRI. This review shall be coordinated through the DFA’s office and any findings shall be reported to the DFA.

Hot Meals

No more than 14 hours shall elapse between the evening meal and breakfast. A minimum of two hot meals shall be served every 24-hours with three meals provided at regular hours during each 24-hour period. Variations to the two hot meals per day requirement may be allowed to accommodate religious observances and religious diet programs and institution emergencies. Inmates shall be allowed 20 minutes in the dining halls to eat their meals after receipt of their food tray. The institution head or designee may, at his/her discretion, modify the time allotment based on operational necessity. The time allotment may be increased by the Chief Medical Officer for inmates in licensed health care facilities, or due to an individual inmate’s documented medical or disability requirements.

54080.6 Diets

The standardized CDCR “Heart Healthy” menu shall be followed by all institutions for all general population meals. Physicians ordering a therapeutic diet shall be limited to renal dialysis, gluten-free diets, or other situations as defined by Division of Correctional Health Care Services (DCHCS).

The DFA shall ensure that:

- The CDCR food plan meets the dietary needs of most inmates by providing a CDCR “Heart Healthy,” low fat, low salt diet.
- A nutritional analysis of the CDCR food plan is done whenever menu changes are made.
- That standardized CDCR recipes are maintained, consistent with the CDCR menu.

Each institution’s food service program is responsible for the procurement, and preparation of Physician-ordered nourishments. Either institutional Food Service or DCHCS is responsible for distribution of nourishments to inmates. Procurement, preparation, and distribution of inmate nutritional supplements are the responsibility of institutional DCHCS and/or institutional Food Service staff.

Institution heads and correctional food managers (CFM) shall ensure consistent adherence to the CDCR standardized menus and recipes, and CDCR Menu Substitution Guidelines.

54080.7 Food Service Handbook

In addition to this Article, the Food Services Handbook provides information and copies of the forms necessary to keep food service records. The Food Service Handbook shall be issued to all Associate Wardens, Business Services, and CFMs, and maintained in inmate libraries.

54080.8 Emergency Food Supply

Each institution shall at all times maintain sufficient quantities of non-perishable food items, such as canned stew or pork-free beans, to serve at least eight meals to the inmate population in an emergency. If judged necessary, the emergency food supply may be maintained separately from general supplies. The emergency food supply shall be rotated into the menu within 36 months of purchase. Departmental Correctional Food Managers shall rotate one-third of the emergency food items annually.

54080.9 Food Management System

The Food Management System (FMS) is the CDCR approved personal computer program for institutions. The FMS may be used to generate a quarterly food ration and cost analysis, and other reports using the Inventory Control, Recipe Production, and Menu Planner functions.

54080.10 Menus

The DFA shall develop and distribute menus semi-annually to the institutions. Copies of the standardized menus are to be maintained by the DFA for five years, including current year. In agreement with a low fat and low sodium menu plan, CDCR institutions serve pork free meals. The institution menus shall reflect the standardized menus in like food served, quantity, portion, size, color, flavor, and nutritional value, with particular attention to levels of fat and sodium to assure CDCR heart healthy goals. Established standardized menu substitution guidelines and policies shall be used when making menu substitutions. Institutions shall follow CDCR standardized recipes. Institution menus shall be generated in the office of the CFMs at least one week in advance and posted in locations accessible to staff and inmates. Any menu changes that vary from the standardized menu shall be noted in red ink on the approved standardized menu. This will become the “menu as served,” and be forwarded to the DFA within 30 working days after completion of each quarter.

54080.11 Food Sampling

To maintain proper standards for the preparation and serving of foods in institutions, each institution head, or designee shall designate an employee to sample all items of food prepared prior to service to the inmates. If the food sampler believes that a food item is not edible, the food sampler shall:

- Immediately notify the CFM or supervising correctional cook.
- Request that the item be immediately checked and appropriate action taken.
- Complete the Meal Sample Report generated by the FMS.
54080.11.1 Meal Sample Report
The Meal Sample Report shall be generated from the CFM and completed by the individual designated to sample the meal. Inmates, randomly selected, should also sample meals. A report shall be completed for each meal served and submitted to the CFM and Associate Warden, Business Services, or designee. The report shall include at least the following:
- Date items sampled.
- Copy of menu for the meal.
- Description of replacement items, if applicable.
- Signature of sampling employee or inmate.

54080.11.2 Retention of Food Samples
The CFM shall retain a sample of each food item served to the inmates to determine which food items may be the source of contamination in the event of alleged food poisoning or infection. These meal samples are to be retained at all kitchens and serving units. At the serving of each meal, a tray with a minimum of four ounces of each food item offered shall be prepared, covered with plastic or aluminum wrap, dated, and stored in a specified locked section of a secure refrigerator where it shall be retained for a 72-hour period for cook/serve operations, and 120 hours for cook/chill operations. In case of allegations of food poisoning or infection, these samples shall be made available for analysis by institution medical staff or a representative from Department of Health Services (DHS). Each CFM shall maintain an approved food sampling kit in the food service area for use in the event of a food borne illness outbreak.

54080.12 Pork/Pork Derivatives
In agreement with a low fat and low sodium menu plan, CDCR institutions shall serve pork-free meals. Therefore, pork or pork derivatives are not included in CDCR institution recipes or on CDCR standardized menus. CDCR Camps may be provided food from other sources. As a result, pork may be part of Camp meals. If pork is served in a camp, the camp food service staff shall identify all inmate menu items containing pork and/or pork derivatives for the benefit of those inmates desiring a pork-free diet for religious reasons. Food services staff shall implement and enforce the identification of all food items containing pork, or prepared or seasoned with pork derivatives with a “P” on the menu. If there is uncertainty as to whether an item contains pork, it shall be identified with an asterisk (*). Menus shall be prominently displayed.

54080.13 Foods for Religious Events
Inmate religious groups shall not be permitted more than two events each year where foods with recognized religious significance are provided by the institution in place of the regularly planned meal. These event meals must be verified as specifically connected to a religious event and approved and sponsored by a Chaplain. A Chaplain means a local Institution Chaplain or designee representing the religious group. The cost to the institution of meals for a religious event shall not exceed that of the meal replaced, unless approved by the CFM. Special ceremonial foods that cannot be provided by the institution may be provided through the chaplain or an outside source(s). At least 30 days, but no more than 90 days, prior to the event, the Chaplain of the approved religious group must submit a written request to the institution head or designee, which includes at least the following:
- Date of event.
- Location of event.
- Proposed menu.
- Specific ceremonial foods.
- Number of inmates, and when applicable, guests to be served.

54080.14 Institution Religious Diet Program
Each institution shall make reasonable efforts, as required by law, to accommodate those inmates who have been determined to require a religious diet.
- Within the institution, religious meals shall not be restricted from inmates based on their classification or housing placement.
- If a medical diet is ordered for an inmate, it shall take precedence over the religious diet.
- Inmates who are transferred shall continue to have the ability to participate in their current religious diet program at the receiving institution, barring medical needs or other extraordinary circumstances. The inmate Central File (C-File) shall contain verification of religious diet participation (CDCR Form 3030, “Religious Diet Request,” and CDCR Form 3030-A "Religious Diet Program Agreement").
- The current Religious Diet Card shall be transferred with the inmate’s property and be provided to the inmate upon the inmate’s arrival. During the initial processing at the receiving institution, staff shall identify the inmate as a participant in a Religious Diet Program and notify the CFM and appropriate Chaplain or designee of the inmate’s arrival. The Chaplain or designee at the receiving institution shall oversee the inmate for continuing eligibility and any compliance violations.
- Each institution shall provide ongoing religious awareness training for custody and food service staff, and others as appropriate. This may be provided in regularly scheduled In-Service Training, Equal Employment Opportunity training, or on-the-job training.
- No staff may disapprove an inmate’s religion or religious views, or attempt to dissuade an inmate from participating in the Religious Diet Program.
- Early call may be used, and is encouraged, for serving religious diets.
- The Religious Diet Program will consist of three distinct options:
  - A vegetarian diet program.
  - A Jewish kosher diet program.
  - A religious meat alternate program

VEGETARIAN DIET PROGRAM
Vegetarian meals shall be available at all CDCR institutions statewide. Institution vegetarian meals shall be lacto-ovo vegetarian (includes dairy products and eggs), and may contain fish when it appears on the menu. Inmates with determined religious, personal, or ethical dietary needs and showing a Religious Diet Card shall be provided with an approved vegetarian protein alternate, often from that same day’s scheduled meal. Inmates may participate in the program, by submitting to any appropriate Chaplain a CDCR Form 3030 Religious Diet Request.

JEWISH KOSHER DIET PROGRAM
A Jewish Kosher Diet Program (JKDP) shall be established at designated CDCR institutions statewide, for Jewish inmates desiring to practice Jewish kosher law.
- Each designated institution with a JKDP shall endeavor to have a Jewish Chaplain or Rabbi employed at all times. In the absence of an employed Jewish Chaplain, the institution shall either make arrangements to utilize the services of a CDCR Jewish Chaplain from a neighboring institution, or consult with the Boards of Rabbis of Northern or Southern California to administer the JKDP.
- Institutions that have an operational JKDP but have a vacant Jewish Chaplain position shall fill the position as soon as possible, but shall continue to operate the JKDP. However, no inmates will be added to the JKDP in those institutions unless they meet either criteria below:
  - The inmate has already been approved by a Jewish Chaplain to participate in the JKDP at another institution; or
  - A CDCR Jewish Chaplain from a neighboring institution, or a consultant from the Boards of Rabbis of Northern or Southern California approves the inmate.
- Only Jewish inmates, as determined by a Jewish Chaplain, may participate in the JKDP.
- If a Jewish inmate is housed at an institution that does not have a JKDP, he/she may, upon request, be considered for transfer to another institution that meets their kosher need and classification.
- The JKDP is offered solely in designated institutions. Therefore, prior to referral to a classification committee, the assigned counselor at the sending institution shall contact the receiving institution’s CFM to ensure that the receiving institution has an operational JKDP. Classification committees shall ensure that, barring medical needs or other extraordinary circumstances, the inmates currently participating in the JKDP are transferred only to those institutions that currently have an operational JKDP. If an exception is made by classification committee and the recommendation for transfer is not to an institution with a JKDP, reasons for the exception will be fully documented in the CDC Form 128-G, Classification Chrono.
- Only a Jewish Chaplain, Rabbi, representative(s) of the Boards of Rabbis of Northern or Southern California, or their designee shall have the authority to administer, oversee, and approve participation in and removal from the JKDP.
- Each designated institution shall arrange for appropriate training for all inmate workers, and custody and food service employees involved in

Page 491
the supervising, ordering, preparation, and serving of Jewish kosher meals.
• The observance of Passover constitutes a single religious event requiring kosher Passover foods to be provided during the eight days of observance.
• All designated institutions shall adhere to the CDCR standardized Jewish kosher menus and approved procedures for purchasing, preparing, and serving Jewish kosher meals.
• The JKDP shall otherwise be administered in accordance with the provisions of this Article.
Oversight Responsibilities
A Jewish Chaplain, Rabbi, representative(s) of the Boards of Rabbis of Northern or Southern California, or their designee shall oversee the JKDP in order to assure the program is following CDCR policy and procedures and kosher laws. Oversight responsibilities include:
• Reviewing each institution’s JKDP annually for compliance with kosher law and CDCR policy. Results of the review shall be provided to the CFM.

Observance of Jewish Fasting Days
Inmates participating in the JKDP shall have the option to fast on a recognized Jewish fasting day, for the period required by that day. The Jewish Chaplain will provide food services with a list of those participating at least three days ahead of the intended fast. A Jewish Kosher inmate who chooses to fast will not be provided any regular meals for the recognized fasting day. The fasting inmate will instead be provided with an approved sack meal, to be eaten at the end of the fasting period. The sack meal will be equivalent to two (2) kosher sack lunches. Under no circumstances can the inmate give away, trade, or sell a sack meal. Doing so may result in a compliance violation of the Religious Diet Program Agreement.

The following are recognized Jewish fasting days:
Yom Kippur (Day of Atonement) – A 25-hour fast, from sunset to the following sunset. Observed in early fall on the 10th day of the Jewish month of Tishrei.
Fast of Tisha B’Av – A 25-hour fast, from sunset to the following sunset. Observed in the late summer on the 9th day of the Jewish month of Av.
Fast Of Esther – A short fast, from sunrise to sunset of the same day. Observed in early spring on the 13th day of the Jewish month of Adar.
• Fast of the 17th of Tammuz – A short fast, from sunrise to sunset of the same day. Observed in early summer on the 17th day of the Jewish month of Tammuz.
Fast of Gedaliah – A short fast, from sunrise to sunset of the same day. Observed in the early fall on the 3rd day of the Jewish month of Tishrei.
Fast of 10th of Tevet – A short fast, from sunrise to sunset of the same day. Observed in winter on the 10th day of the Jewish month of Tevet.

Religious Meat Alternate Program
A Religious Meat Alternate Program (RMAP), offering meat that has been certified as halal, shall be available at all institutions. Muslim inmates may participate in the program, as determined by a Muslim Chaplain or designee Chaplain. Each institution shall endeavor to have a Muslim Chaplain employed at all times. In the absence of an employed Muslim Chaplain, the institution shall either utilize a designee Chaplain or make arrangements to utilize the services of a CDCR Muslim Chaplain from a neighboring institution.
Non-Muslim inmates with a religious dietary need may seek participation in the program by submitting to any appropriate Chaplain a CDCR Form 3030 Religious Diet Request, for determination by the Religious Review Committee RRC, as described by CCR Section 5210(d).
The RMAP is only offered at the dinner meal. Inmate participants in the RMAP shall receive the vegetarian option at breakfast and lunch. An inmate participant must show his or her religious diet card in order to receive the RMAP or vegetarian option.
All institutions will offer standardized departmental RMA items, and will adhere to approved procedures for procuring, and serving the RMA. Each institution shall arrange for ongoing and appropriate training for all inmate workers, and custody and food service employees involved in the supervising, ordering, and serving of the RMA.
A designee Chaplain shall:
• Oversee the program and determine inmate compliance violations.
• Review each institution’s RMAP annually and provide results of the review to the CFM.

Participation in a Religious Diet Program
A Religious Diet Card will be issued to the inmate by the Chaplain, or their designee. The Religious Diet Card shall follow the inmate if he/she is transferred to another CDCR institution.
At each meal, a positive check list will identify the inmates that have received a religious meal. This list may be used to issue a CDC Form 128-B, General Chrono, for Religious Diet Program Non-Compliance.
The following CDCR forms shall be used:
• Religious Diet Request (used for all religious diet requests)
• Religious Diet Program Agreement
• Religious Diet Program Agreement – Notice of Non-Compliance
• Religious Diet Cancellation Request
• Religious Diet Card
The Institution chaplain or designee shall document an inmate’s participation in the JKDP, vegetarian diet program or the RMAP using the appropriate CDCR forms (i.e., Religious Diet Card, Religious Diet Request, Religious Diet Agreement, Religious Diet-Notice of Non-Compliance, and Religious Diet Cancellation Request). The completed originals shall be placed in the inmate’s central file (miscellaneous section), as indicated on the forms.

Inmate Responsibilities
Inmates have the responsibility to:
• Complete a CDCR Religious Diet Request form and submit it to the appropriate Institution Chaplain or designee.
• Show their Religious Diet Card obtained from the Chaplain or designee when receiving a religious meal.
• Follow the conditions in the signed Religious Diet Program Agreement.

Chaplain Responsibilities
Chaplain means a local Institution Chaplain or their designee representing the religious group. Upon receiving a completed inmate’s “Religious Diet Request” form, the Chaplain, or their designee shall:
• Ensure that no more than 30 calendar days shall pass from the day the Chaplain receives the completed “Religious Diet Request” in which a determination of program eligibility is made, and an accepted inmate begins receiving the religious meals requested.
• Interview the inmate to explain the three religious diet options, including what the meals consist of.
• Determine the inmate’s religious diet eligibility, with one exception:
  • The RRC shall determine the eligibility of a non-Muslim inmate to participate in the RMAP. When a non-Muslim inmate seeks the RMAP, the Chaplain shall forward the CDCR Form 3030, Religious Diet Request, to the RRC for consideration.
• If Religious Diet Program eligibility is determined, explain the Religious Diet Program Agreement.
• Have the inmate sign all required documents. Document an inmate’s refusal to sign any of the required documents.
• Complete and distribute the Religious Diet Request, and if applicable the Religious Diet Program Agreement as indicated on the forms, within two working days.
• Notify the inmate of the decision in writing (by copy of their Religious Diet Request).
• Enter pertinent information for each inmate approved to participate in the Religious Diet Program onto a religious diet participant list within 24 hours of approval. Food Service will begin serving those approved for religious meals normally within two days of receiving this notification.
• Along with food service staff, regularly monitor the religious diet lists to ensure that all participating inmates are served their religious dietary meals with minimal delay.
• Update the list identifying inmate religious diets every 30 days and provide the list to the CFM.
• Coordinate with the CFM to determine which dining area will provide the inmate his/her meals.
• Provide each approved inmate with a Religious Diet Card. Collect Religious Diet Cards that are no longer valid.
• Meet with inmates, giving them the opportunity to respond to allegation(s) of noncompliance with Religious Diet Program. Utilize the Religious Diet Program Notice of Noncompliance form.

Monitoring for Religious Diet Program Inmate Compliance
Any staff may report an incident of an alleged inmate Religious Diet Program Agreement compliance violation, as described on the CDCR Form 3050-A, Religious Diet Program Agreement.

The incident report must be in writing using a CDC Form 128-B, General Chrono, citing CCR, Title 15, Section 3054. All written reports shall be sent to the appropriate Chaplain who shall make the final determination of continuing eligibility.

54080.15 Meals Served to Non-Inmates

The meal charge for State employees and persons other than official guests in State-operated dining rooms maintained and operated for inmates shall be $1.00 plus sales tax. The meal charge for institution-operated employee dining rooms shall be in accordance with this section.

54080.15.1 Reimbursement for State Purchased Food

Outside guests attending inmate banquets, luncheons, or other special events where State-purchased food is provided shall be charged a minimum of $1.00 plus sales tax per meal, per guest. Funds collected in excess of $1.00 plus sales tax, for the event shall be accompanied by a statement, signed by a non-inmate representative of the group, which reads: “We donate the sum of $ to the Inmate Welfare Fund.” If the cost of the meals exceed the allowance of $1.00 per meal, an additional charge to the inmate group's trust account shall be made in accordance with this section.

54080.15.2 Institution Operated Employee Dining Rooms

In institution-operated employee dining rooms, meal charges shall be set by the institution and shall reflect the actual cost of serving an average meal, including staffing costs. Employee dining rooms shall not be allowed to operate at a loss.

54080.15.3 Employee Meetings

At conferences, workshops, training classes, or other employee meetings held at an institution, coffee and/or other beverages may be served only if the total cost for the refreshments is paid by the participants.

54080.15.4 Official Guests

Representatives of any city, county, state, federal, or foreign government who are guests of CDCR, and official staff who are inspecting the food services operation may be provided a sample of the meal served to inmates free of charge. Examples include persons on a grand jury, state legislators, officials of foreign prisons, or official CDCR or state inspectors.

54080.15.5 Group Visits and Tours

Meals may be served to participants of tours or visitors of approved groups in accordance with this section.

54080.16 Employee Uniforms

Food service staff, supervising correctional cooks, correctional supervising cooks, correctional bakers, correctional butcher/meat cutters shall wear the CDCR-approved uniform to distinguish them from inmates assigned to food-service duties. This uniform shall consist of:

- TROUSERS: dark brown, equivalent to Big Mac or Levi's. Not tight-fitting.
- SHIRTS: tan, equivalent to Big Mac or Levi's with the CDCR patch over the left breast pocket.
- CAPS: solid brown, baseball type, to match clothing, with the CDCR patch and the employee classification rocker arm above/atop the patch.
- JACKETS: brown color with the CDCR patch on the left breast.
- SHOES: brown or black, smooth leather. Soles must be oil resistant and non-skid type, no buckles or design (no cowboy, tennis, or gym-type shoes or boots).
- BELT: black or dark brown.
- WHISTLE: gold or chrome or black in color; metal only.
- ALARM HOLDER: black leather.
- DEPARTMENTAL NAME PLATE

The following items are optional:

- SMOCK: tan with CDCR patch over the left breast.
- JUMPSUIT: solid brown with CDCR patch over the left breast.

Employees shall report to their assigned area in clean uniforms, which are in good condition.

54080.17 Inmate Smocks/Apron

Each inmate food handler shall be provided a clean white smock or apron and other appropriate clothing. Such garments will be maintained in the food service area and stored in a sanitary manner separate from personal clothing.
food handling or preparation until they are no longer considered contagious. All food handlers shall be instructed on the importance of proper hand washing. Hand washing signs shall be posted in all food service restrooms. Enforcement of proper and frequent hand washing of inmate workers and staff shall be a priority of the CFM.

The temperature of refrigeration units and dishwashing machines shall be recorded daily on the log maintained by the CFM for a minimum of two years. Dishwashing machines shall be inspected daily to ensure proper operation. This inspection is also noted on the log. Refer to the Food Service Handbook and CFC for further information.

54080.21 Restricted Food Items
Supervisory food service staff shall ensure that restricted food items that may be used to produce alcohol are stored in a lockable receptacle, caged area, and/or maintained in a locked supply room. Supervisory food service staff shall also provide a method to strictly control and provide direct supervision of inmates handling any restricted food item. Restricted food items include, but are not limited to: yeast, sugar, bread/pastry dough, and heavy syrup canned fruit.

Supervisory food service staff shall maintain a running inventory log of all restricted items. The log shall indicate the date, time, and amount of supplies, either dispensed, used, or received and the name of the staff authorizing the transaction.

54080.22 Revisions
The DFA or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

54080.23 References

June 6, 2014

PC § 2084.
H&S §§ 113700 through 114437 (California Retail Food Code).
CCR, Title 15, §§ 3050, 3051, 3052, 3053, 3054 and 3055; Title 8, California Administrative Code (Industrial Safety Standards).
ACA Standards 4-4313, 4-4316 and 4-4318.
CDRC Food Service Handbook.
Food and Nutrition Board of the National Academy of Sciences, Recommended Dietary Allowances.
Food and Nutrition Board of the Institute of Medicine, National Academy of Science, Dietary Reference Intakes.
“Food Safety Basics,” United State Department of Food and Agriculture, Website.
U.S. Public Health Standards (42 CFR) Occupational safety, healthcare, health insurance, health facilities.
FDA Codes (21 CFR) Human Food Standards: Manufacture and Handling.

ARTICLE 52 — REQUEST FOR INTERVIEW, ITEM, OR SERVICE
Effective July 29, 2011

54090.4 Written Request Process
Inmates and parolees may request interviews with staff and/or request items and services via a CDCR Form 22, Inmate/Parolee Request for Interview, Item or Service. This form has been redesigned to achieve expanded non-constructive communication objectives. Timely resolution of many routine matters will be achieved through application of the processes and practices set forth in this article and henceforth applied uniformly toward that end.

- The written request process may be used when the inmate or parolee seeks a response to an issue related to his or her confinement or parole.
- This process is not intended to preclude or inhibit inmates or parolees from engaging in verbal communication and making verbal requests to staff outside of the written request process.
- Inmates and parolees shall be considerate in the use of this process, making allowance for staff who are otherwise occupied by submitting their requests reasonably and in a manner not to interfere or delay a peace officer in performance of his or her duties.
- Staff must accept and respond to the written request unless otherwise occupied in duties which require their full attention. Under such circumstances staff can advise the inmate of alternative submittal options.
- Staff shall attempt to resolve inmate and/or parolee issues expeditiously, whether brought to their attention verbally or in writing.
- All communication on the request form should be polite, professional, and to the point.
- Misuse or abuse of the form may be noted in staff responses to facilitate appropriate use of the form.

54090.4.1 Form Availability
The Department shall ensure that the CDCR Form 22, Inmate/Parolee Request for Interview, Item or Service, is readily available to inmates and parolees. This form shall be available in all inmate housing units, general or segregated; all institutional libraries; any facility under the Department’s jurisdiction, whether residential or medical, where inmates are required to remain more than 24 hours; and all parole field offices.

This form is printed on NCR (no-carbon-required) paper, which facilitates:
- A record of the date the form was first presented to staff, and the date of each staff response.
- A record of the nature of the request and any subsequent efforts to address it.

54090.4.2 Submission
When seeking a response or outcome to a written request for an interview, item or service, the inmate/parolee shall complete the CDCR Form 22 to describe his or her request.

- The inmate shall deliver or mail via institutional mail the completed form to any staff member who is able to respond to the issue.
- The parolee shall deliver or mail via the United States Postal Service the completed CDCR Form 22 to his or her parole agent who shall respond to the issue or, as appropriate, route the form to another staff member able to respond to the issue.
- However, if the parolee mails the form, the receipted copy of their request may also be returned by staff via external mail services/US Mail.

- The CDCR Form 22 process does not stay the time constraints for filing an appeal and therefore does not preclude the inmate or parolee from filing an appeal on the same issue prior to receiving a response to their written request. However, the appeal may be rejected by the appeals coordinator or designee and an extension granted to complete the request form process before resubmitting the appeal.
- An employee shall not refuse the CDCR Form 22 unless exigent circumstances described in this article apply.

54090.4.3 Employee Responsibilities
Upon receipt of an inmate or parolee completed CDCR Form 22, the employee shall:

- Immediately date and sign the form unless occupied in duties which otherwise require full attention. Employees so occupied shall advise the inmate or parolee to select another suitable recipient, present the request to another time or the employee shall advise that they will return at the first opportunity, when duty permits, to retrieve the request.
- Provide the inmate or parolee the bottom copy of the employee signed form which shall serve as the inmate/parolee’s receipt to verify the date
The purpose of this Article is to:

- Safety, welfare, status
- Mechanism for review of departmental policies, decisions, actions, identified grievances to inmates or parolees and an administrative process for correcting a wrong.
- Provide through the appeal process the means for expressing and resolving problems.

Title 15, California Code of Regulations, §§ 3084, 3086.

54090.5 Revisions

The Director, Division of Adult Institutions, or designee in conjunction with the Chief, Office of Appeals, shall ensure that the content of this Article is accurate and current.

54090.6 References

Title 15, California Code of Regulations, §§ 3084, 3086.

ARTICLE 53 — INMATE/PAROLEE APPEALS

Revised October 18, 2016

54100.1 Policy

It shall be Department policy, consistent with correctional best practice, to provide through the appeal process the means for expressing and resolving identified grievances to inmates or parolees and an administrative mechanism for review of departmental policies, decisions, actions, conditions, or omissions that have a material adverse effect on the health, safety, welfare, status, and/or program of inmates and parolees.

54100.2 Purpose

The purpose of this Article is to:

- Maintain the integrity of the Department through a fair, objective, and effective appeals process.
- Provide for the resolution of inmate or parolee grievances at the lowest possible administrative level with timely responses to the appellant.
- Provide the inmate or parolee a meaningful remedy focused on correcting an identified problem.
- Afford the grievant an avenue for the exhaustion of administrative remedies prior to initiation of a court action.
- Audit the internal processes and operations of the Department to identify, modify, or eliminate practices which are unnecessary or may impede the accomplishment of correctional goals.
- Utilize inmate and parolee appeal information as an early warning indicator to identify and respond to potential sources of liability to the Department.
- Gather and disseminate data and statistics about appeals in order to satisfy statutory responsibilities and in furtherance of policy, management and program improvement goals.

54100.3 Responsibility

Each hiring authority shall implement the appeal process and ensure it operates effectively and consistently with specified policies as set forth herein.

- At least one staff member, at a level not less than a CC-II, shall be designated as the appeals coordinator in each institution; and one staff member of a level not less than PA-II shall be designated as the appeals coordinator in each parole region.
- The appeals coordinator or delegated staff under direct supervision shall process all appeals, monitor the system, prepare the quarterly appeals reports, recommend corrective action where indicated, and work with the IST officer to ensure training on the appeals process is carried out. Delegated staff under appeals coordinator direction shall be properly trained, audited regularly and undertake only those duties and responsibilities appropriate to their job classification, background and experience.
- The Appeals Coordinator’s Office shall receive, log, route, and monitor disposition of the CDCR Form 602, Inmate/Parolee Appeal, and the ancillary appeal forms, CDCR 602-A, Inmate/Parolee Appeal Form Attachment, and the CDCR 602-G Inmate/Parolee Group Appeal Supplement.
- Hiring authorities are expected to meet with appeals coordinators on a regular basis to receive and disseminate information respecting process, emergent issues, best practice trends and related matters.
- Each inmate upon arrival to an institution shall be provided written material (instructions, guidelines and/or examples of forms as appropriate) describing the appeal process. Each inmate prior to being released to parole shall be provided with a copy of CDC Form 1570, Guidelines for Parole, which contains a notice of appeal rights and procedures for filing an appeal. Each parolee unit shall maintain copies of the appeal procedure which shall be made available to the parolee upon request. Parolees shall be informed of the appeal process at the initial parole interview.
- Copies of DOM §54100, Inmate/Parolee Appeals, and any facility appeal supplement shall be filed and maintained in each inmate law library including libraries in segregated housing units, community correction facilities, treatment and/or transitional living and out-of-state facilities where inmates/parolees remain under the custody of the Department.

54100.4 Right to Appeal

Any inmate or parolee under the Department’s jurisdiction may appeal any policy, decision, action, condition, or omission by the Department or its staff that the inmate or parolee can demonstrate as having a material adverse effect on his or her health, safety, or welfare. A material adverse effect means harm or injury that is measurable or demonstrable or the reasonable likelihood of such harm or injury. In either case, the harm or injury must be due to any policy, decision, action, condition, or omission by the Department or its staff. In the context of this article, an “appellant” means an inmate or parolee who has submitted an accepted appeal and a “remedy” means a process or means to address an issue or correct a wrong.

No reprisals shall be taken for the good faith use of or responsible participation in the appeals process. This shall not prohibit appeal restrictions against an appellant for abusing the appeal process nor shall it prohibit the pursuit of disciplinary sanctions for violations of Department rules. A complaint of reprisal may be pursued through the appeals process. If, after investigation, it is determined that a reprisal has occurred, the staff member(s) involved shall be subject to adverse action in accordance with the employee discipline policies of the Department.

54100.5 Exclusions

The CDCR Form 602, Inmate/Parolee Appeal form shall not be utilized in the following appeals:

- Board of Parole Hearings (BPH).
- Health or Safety complaints – California Prison Industry Authority (CALPIA). (See CCR Title 15 §3084.9(e) and CCR Title 8 §344.40(a)).
54100.6 Appeal Preparation

Revised September 28, 2016

The Department shall make its appeal forms readily available to all inmates and parolees, ensuring that those who have difficulty communicating have equal access to the appeal process and the timely assistance necessary to participate in this process including completing or clarifying the appeal. Timely, in this particular instance, means promptly and without deliberate delay, insofar as prevailing organizational resources permit.

The inmate or parolee shall describe the specific issue under appeal, the relief requested, and state all facts known and available to him/her regarding the issue being appealed upon one original copy of the CDCR Form 602, and if needed to clarify the issue or matter in question, one original Inmate/Parolee Appeal Form Attachment (CDCR 602-A), attach all original relevant supporting documents and forward them, in a single mailing, to the appropriate appeals office.

The CDCR Form 602 provides a system of accountability at each level of review. When the appeal material is submitted without a completed and signed CDCR Form 602, the appeals coordinator shall return it to the inmate or parolee with instructions to fill out and sign the CDCR Form 602 (and/or CDCR Form 602-A, if applicable) and resubmit the appeal for processing.

- If originals are not available, copies may be submitted with an explanation and the appeals coordinator shall have the discretion to request that any submitted copy is verified by staff.
- The inmate or parolee is limited to the space provided on the CDCR Form 602 and one CDCR Form 602-A to describe the specific issue and action requested. The appeal content must be printed legibly in ink or typed on the lines provided on the appeal forms in no smaller than a 12-point font. There shall be only one line of text on each line provided on these forms.
- The inmate or parolee shall list all staff member(s) involved and shall describe their involvement in the issue. To assist in the identification of staff, the inmate or parolee shall include the staff member’s last name, first initial, title or position (if known) and the date(s) of the staff member’s involvement in the issue under appeal. Absent the requested identifying information, the inmate or parolee shall provide any other available information that would assist the appeals coordinator in making a reasonable attempt to identify the staff in question.
- Effective supporting documents are defined as documents needed to substantiate the allegation(s) made in the appeal, including but not limited to, classification documents, property inventory sheets, receipts, completed disciplinary reports with supplements, incident reports, notifications of disallowed mail, trust account statements, memoranda, letters, medical records, and/or a written request for interview, item or service (See DOM 54100.8). Only supporting documents necessary to clarify the appeal shall be attached to the appeal.
- The inmate or parolee shall not delay submitting an appeal within established time limits if unable to obtain supporting documents, but shall submit the appeal with all available supporting documents and provide an explanation why any remaining supporting documents are not available.
- Supporting documentation does not include documents that simply restate the matter under appeal, argue its merits or raise new issues not identified in the appeal and stated as such on the relevant original 602 forms. New issues raised in the supporting documents shall not be addressed, and any decision rendered will pertain only to the present appeal issue and requested action(s).
- The inmate or parolee shall not include or attach extraneous physical objects, exhibits, tabs or dividers, including organic materials of any type with their appeal packet or otherwise deface or contaminate submitted forms and attachments. Appeals submitted with hazardous or toxic material that present a threat to the safety and security of staff, inmates, or the institution may subject the appellant to disciplinary action and/or criminal charges commensurate with the specific act.
- For third level appeals, the inmate or parolee shall be responsible for mailing the appeal form and supporting documentation directly to the third level Appeals Chief using their own funds and US mail service, unless the appellant is indigent in which case the third level appeal shall be processed in accordance with the indigent mail provisions (15 CCR §3138). An indigent inmate/parolee shall not, however, be required to divide their appeal into separate mailings to conform to indigent mail weight restrictions.
- Another inmate or parolee, staff member, family member as defined in Section 3000 of the Title 15, or other interested party may assist the inmate or parolee in completing the appeal form. However, the act of providing such assistance does not render or convey upon that individual status as party to the appeal. In addition, assistance is disallowed if the act of providing such would create an unmanageable situation including but not limited to; acting contrary to the principles set forth in 15 CCR §§ 3163 and 3270, allowing one offender to exercise unlawful influence/assume control over another, require an offender to access unauthorized areas or areas which would require an escort, or cause avoidance or non-performance in assigned work and program activities.
- An inmate or parolee shall not submit an appeal on behalf of another person, unless the appeal contains an allegation of sexual violence, staff sexual misconduct, or sexual harassment.
- Inmates or parolees shall not give any form of compensation to other inmates or parolees or receive any form of compensation for assisting in the preparation of another’s appeal. The giving or receiving of compensation is considered misconduct and is subject to disciplinary action.
- The appellant shall sign, date, and submit the appropriate appeal document(s) at each level in the appeal review process.
- Unless otherwise provided for in this article, the appeal shall not be accepted at the third level for review without first having been reviewed at second level.

54100.7 Group Appeal

A group of inmates or parolees may appeal a specific issue that affects all group members. In this situation, one CDCR Form 602 shall be accompanied by an Inmate/Parolee Group Appeal (CDCR Form 602-G), containing the name, Department identification number, assignment, housing, and dated signature of the inmate or parolee who prepared the appeal.

- This appeal shall be logged as one appeal.
- Each CDCR Form 602-G shall state the appeal issue, the action requested and affirmation that the undersigned agree with the appeal issue/action requested.
- The legible names of the other participating inmates or parolees with dated signatures, departmental identification numbers, assignments, and housing shall be entered on the CDCR Form 602-G.
- Only signatures submitted on a CDCR Form 602-G shall be accepted for purposes of a group appeal.
- Sufficient interviews (one or more) with the participating inmates or parolees shall be held to clarify the issue under appeal.
- At each level of review, a response shall be attached to the CDCR Form 602 and returned to the appellant who shall then share the response with all inmates or parolees who signed the CDCR Form 602-G.
- If the inmate or parolee submitting the group appeal is transferred, released, or requests withdrawal from the appeal, the response shall be addressed to the next name on the CDCR Form 602-G, who shall then share the response with the other group appellants.
- Group appeals shall not be cancelled at the request of the original individual appellant unless all of the inmate or parolee signatories are released, transferred, or agree to withdraw the appeal.
- A group appeal shall not be accepted or processed if the matter under appeal requires a response to a specific set of facts (such as disciplinary and staff complaint appeals) which are not the same for all participants in the appeal. In such case, the group appeal shall be screened out and returned to the original appellant with direction to advise all those who signed the CDCR Form 602-G to submit individual appeals of their separate issues.
- An inmate or parolee who signs a group appeal is ineligble to submit a separate appeal on the same issue.
- A group appeal counts toward each appellant’s allowable number of appeals filed in a 14 calendar day period.

54100.7.1 Multiple Appeals of the Same Issue

Instances where a number of inmates or parolees have independently of each other filed an identical appeal regarding the same issue arising from similar circumstances will be considered multiple appeals of the same issue.

- The original (initial or first) appellant and, as needed for clarification of the matter or issue, one or more other inmates/parolees concerned shall be interviewed, and a response given to the inmate or parolee
who filed the initial appeal.

- This initial appeal response will serve as a template for all other responses to the same issue.

A statement shall be included in the initial response indicating that the appeal has been designated one of multiple identical appeals and a common response is being distributed to each appellant.

- This appeal response shall be given to each inmate/parolee with the recipient’s name and identification number substituted and shall state that one or more appellant was interviewed regarding the issue.

- All multiple appeals shall be individually logged. Any appeal of the same, identical issue received subsequently shall be identified as a multiple appeal in the response which shall reference the original interview date(s) and redact information that would identify other appellants individually.

- An unrelated appeal issue submitted in conjunction with a multiple appeal of the same issue is subject to processing as an individual appeal separate from the multiple appeal topic.

54100.8 Supporting Documents

Prior to the submission of an appeal to the appeals coordinator, the inmate or parolee shall obtain and attach all supporting documents necessary for the substantiation, clarification and/or resolution of his or her appeal issue.

- The inmate or parolee shall not delay submitting an appeal within time limits established in DOM 54100.16. If unable to obtain supporting documents, he or she shall submit the appeal with all available supporting documents and provide in Part B of the CDCR Form 602 an explanation why any remaining supporting documents are not available.

- The time limits for filing an appeal are not stayed by failure to obtain supporting documentation.

- Failure to attach all necessary supporting documents may result in the appeal being rejected as specified in CCR Title 15 §3084.6/DOM §54100.11. The appeals coordinator (or when appropriate, third level Appeals Chief) shall in such circumstances inform the inmate or parolee that the appeal is rejected because necessary supporting documents are missing. The appellant shall be allowed an additional 30 calendar days to secure any missing supporting documents and resubmit the appeal.

- The appeals coordinator may grant additional time extensions beyond the initial 30 calendar day extension if the inmate or parolee submits a reasonable explanation why the supporting documents still are not available.

- Appellants shall not attach copies of previously processed appeals as supporting documents to the present (current) appeal, except when appealing a previously cancelled appeal or when expressly requested by the appeals coordinator. The appeals office shall clearly stamp as “attachment” any appeals form (Form 602, 602-A or 602-G) submitted as an exhibit under these circumstances.

Supporting documents include, but are not limited to, the inmate’s or parolee’s copy of the following:

Disciplinary

- An appeal of an administrative or serious disciplinary action requires as supporting documentation the completed CDC Form 115, Rules Violation Report (RVR).

  - A disciplinary action is not considered complete until all processing requirements including the hearing, postponement, and any re-hearing are completed as evidenced by the signature of the Chief Disciplinary Officer (CDO).

  - The date that the final RVR copy is issued to the appellant shall serve to establish the time limits for filing an appeal of the RVR, not the date of the disciplinary hearing.

- An appeal of a CDC Form 128-A, Custodial Counseling Chrono requires a CDC Form 128-A to be submitted as a supporting document.

Classification

- An appeal of a classification committee action requires as supporting documentation the CDC Form 128-G, Classification Chrono, reflecting the committee’s action under appeal. If the committee’s action did not include a referral to the Classification Services Representative (CSR), the date of the committee’s action shall serve to establish the time limits for filing an appeal.

- An appeal of a classification committee action that requires CSR endorsement or decision including, but not limited to, affixing a suffix or assessing an administrative determinant, shall include the CDC Form 128-G reflecting the CSR’s endorsement or decision. The date of the CSR’s endorsement or action shall serve to establish time limits for filing an appeal.

- An appeal of a classification committee action recommending transfer to another facility, prison, or program requiring CSR endorsement or decision, shall include as a supporting document, the CDC Form 128-G reflecting the CSR’s endorsement or decision. The filing of an appeal of a transfer endorsement/decision shall not normally be cause to stay or delay the transfer except in extraordinary circumstances and at the discretion of the Warden or designee.

Parole

- An appeal of conditions of parole, including special conditions, requires as supporting documentation the inmate/parolee’s CDC Form 1515, Notice and Conditions of Parole. A verified copy of the original Notice and Conditions of Parole shall be accepted by the appeals coordinator in place of the parolee’s copy.

- An appeal of county of last legal residence may be submitted within 30 calendar days following the inmate’s receipt of the CDCR Form 611, Release Program Study, which is completed and returned to the institution/facility by the parole region.

Mail

- An appeal of disallowed/disapproved mail, magazine, or publication shall include as a supporting document the CDCR Form 1819, Notification of Disapproval-Mail/Packages/Publications, which is received by the inmate informing him or her of the disapproval of the mail, magazine, or publication under appeal.

Property

- An appeal of a property issue resulting from a cell/dorm/room search shall include the search receipt as a supporting document.

- An appeal of a property issue arising from the inmate’s placement in segregated housing shall include a copy of the CDCR Form 1083, Inmate Property Inventory, reflecting staff’s inventory of the inmate’s property at the time of his/her placement in segregated housing.

- An appeal of a property issue arising from the inmate’s transfer shall include a copy of the CDCR Form 1083 from the sending institution which reflects staff’s inventory of the inmate’s property in preparation for the inmate’s transport/transfer, and a copy of the CDCR Form 1083 provided to the appellant at the time of receipt of his/her property at the receiving institution.

CDCR Form 22

The original of the CDCR Form 22, Inmate/Parolee Request for Interview, Item, or Service, processed through the supervisory level pursuant to CCR Title 15 §3086 need not be included as supporting documentation in the following appeal instances:

- Classification committee actions.
- Classification Staff Representative endorsements/decisions.
- Disciplinary rules violations.
- Emergency appeals.
- Involuntary psychiatric transfers to state hospitals or Department of Mental Health Facilities.
- Staff complaints.
- CALPIA Health or Safety complaints.
- Any appeal wherein the appeals coordinator determines that the appellant’s submittal of a CDCR Form 22 is unwarranted and/or would not contribute to the outcome of the appeals process.
- An inmate or parolee who intends to file an appeal shall not delay in filing the appeal if the written request process is not yet complete. The inmate or parolee shall note on the CDCR Form 602 that a response is pending at the time of the appeal submission.
- If a completed CDCR Form 22 is essential for further appeal processing but not yet available to the appellant, the appeals office shall date stamp the appeal and reject it for missing documentation. However, the appellant will have met time constraints pending subsequent receipt and attachment of the pertinent CDCR Form 22.
- In the event the completed CDCR Form 22 is not received by the appellant within 30 days of the appeal being rejected by the appeals office, the inmate or parolee shall send the appeal to the appeals office
54100.9 Appeal Procedure Abuse and Restriction

Excessive and fraudulent filings overload the appeals system, disrupt the orderly and timely processing of appeals and thereby deprive the Department of its ability to exercise due diligence. Therefore, misuse or abuse of the appeals process may lead to appeal restriction as described in this section. The appeals coordinator shall have the discretion to take specific action when it is deemed that:

- An inmate or parolee submits more than one appeal for initial review within a fourteen (14) calendar day period, unless the inmate or parolee is submitting an emergency appeal or the appeal has been accepted due to exceptional circumstances as determined by the appeals coordinator or the third level Appeals Chief. The 14 day period shall commence on the day following the appeals office’s date stamp of the appellant’s last accepted appeal.
- Appeals previously cancelled pursuant 15 CCR §3084.6(c)/DOM §54100.11 are repeatedly submitted by the same complainant(s).
- The appeal submission contains information the appellant knows to be false or consists of a deliberate attempt at distorting the facts.
- Appeals containing threatening, grossly derogatory, slanderous, or obscene statements and/or organic contamination is included in or makes up any part of the appeal package.
- The description of the problem and/or requested action exceeds the space provided on the Inmate/Parolee Appeals form series.
- The appeal is repeatedly filed contrary to clear and explicit previous instructions. A resubmitted rejected appeal that does not comply with appeals coordinator instructions for correction shall, in addition to not being processed, be subject to confiscation.

When an inmate or parolee submits appeals described above:

- The first appeal received shall be screened for routine processing.
- All subsequent non-emergency appeals submitted by that individual shall be screened and the appeals coordinator shall document any abuse as evidenced by the screening results.

Warning Letter

- If an inmate or parolee continues to submit excessive, demonstrably false, noncompliant or abusive appeals, he or she shall receive a warning letter from the appeals coordinator documenting the history and nature of appeal system abuse.
- If the abuse of process continues after the issuance of a warning letter, the appeals coordinator shall meet with the inmate or parolee in a timely manner before imposition of any restriction to provide instruction in the appropriate use of the appeals process and to rule out any unintended basis for non-compliance. If a face-to-face meeting with the appeals coordinator is not possible, an agent acting on behalf of the appeals coordinator shall conduct the meeting.
- Excessive, demonstrably false, noncompliant or abusive appeals submitted by an inmate or parolee after the issuance of a warning letter shall be subjected to screening by the appeals coordinator to ensure they do not contain qualifying urgent or emergency issues:
  - An appeal found to contain emergency issues, as described in Section 51100.20, shall be processed as an emergency appeal.
  - If no such issue is determined to be present, the appeal shall be retained by the appeals coordinator pending placement of the appellant on appeal restriction by the third level Appeals Chief.
  - The appellant shall be informed in writing why the appeal constitutes abuse of process and informed that the appeal processing has been suspended pending determination of appeal restriction status.

Appeal Restriction

- If the appeal abuse continues after the issuance of a warning letter and a face-to-face meeting, the inmate or parolee is subject to appeal restriction.
  - The appeals coordinator shall notify the third level Appeals Chief describing the individual’s abuse of the process and requesting placement of the inmate or parolee on appeal restriction.
  - The appeals coordinator shall advise the third level Appeals Chief in writing of the extent and frequency of the abuse and the corrective steps which have been taken, including issuance of a warning letter and date of face-to-face meeting(s).
- Any appeal submitted by the inmate or parolee after abuse has been identified but prior to a decision being rendered by the third level Appeals Chief shall be processed in accordance with the “Not Processed” protocol above, including screening to ensure bona fide emergency issues are appropriately identified for processing.
- Upon determination of continued abuse and verification that a face-to-face interview and warning letter have occurred, the third level Appeals Chief shall have the discretion to authorize preparation of a notice by the Appeals Coordinator restricting the inmate or parolee to one non-emergency appeal every 30 calendar days for a period of one year effective the date of the notice.
  - At the time a determination is made regarding imposition or non-application of appeal restriction, any prior appeal retained by the appeals coordinator in accordance with the provisions set forth above shall be returned to the appellant stamped “Not Processed.”
- An imposed appeal restriction shall remain in effect for the period specified when the appellant is returned from parole or transfers to another facility. Parolees are subject to continuing restriction initiated by the institution, subject to review and ratification by the third level Appeals Chief.
- Any subsequent violation of the appeal restriction shall result in an extension of the restriction for an additional one-year period upon approval by the third level Appeals Chief.
- Upon the decision of the third level Appeals Chief to impose an appeal restriction, any appeal returned to the appellant marked “not processed” may only be later resubmitted by the inmate or parolee in accordance with the terms of his or her appeal restriction and in conformance with the timeframes and practices set forth in this article (The original submittal date of the appeal may serve, under exceptional circumstances, to satisfy filing time requirement).
- Upon a decision by the third level Appeals Chief to not place the inmate or parolee on appeal restriction, any retained appeal returned to the appellant and marked “not processed” may be resubmitted by the appellant in accordance with the standard submittal requirements set forth in this article except that the appellant’s original submittal date of the appeal may serve to satisfy filing time requirements.

54100.10 Screening and Managing Appeals

The appeals coordinator or a delegated staff member under the direct oversight of the appeals coordinator shall be responsible for ensuring that each appeal has been screened and categorized in compliance with this article and shall coordinate the processing and logging of appeals. These be exercised in any manner that would place unreasonable restraints on the inmate’s or parolee’s right to appeal.

- When it is determined that an appeal will not be accepted an Inmate/Parolee Screening Form, CDC Form 695, preprinted or automated version, shall be completed, attached to the CDCR Form 602 and returned to the inmate or parolee.
- Appeals received describing staff behavior or activity in violation of law, regulation, policy, or procedure or appearing contrary to an ethical or professional standard that could be considered misconduct within the 15 CCR §3084(g)/DOM §54100.25 definition, whether specifically alleged or not, shall be processed pursuant to the Staff Complaint provisions of this article to determine appropriate disposition.
- The appeals coordinator shall use the automated Inmate Appeals Tracking System (IATS) or equivalent system approved by the third level Appeals Chief which designates a log number for each appeal accepted.
- The IATS shall contain the assigned appeal log number, name and number of the inmate/parolee appellant(s), date received, level of review, name of person designated reviewer, due date, date of written notification to inmate/parolee on late response, date completed at each level of review, and decision reached.
- Accepted appeals shall be assigned for response within five working days of receipt from the inmate or parolee.
- The receipt date shall be stamped each time the appeal is received by the appeals coordinator and recorded in IATS (or equivalent).
- The IATS will be updated on an ongoing basis so as to establish a
54100.11 Reasons for Rejection, Cancellation, and Withdrawal of Appeals

Appeals may be rejected, cancelled or withdrawn:

- A rejected appeal is one that the appeals coordinator or third level Appeals Chief has returned to the appellant with instructions to correct a deficiency. Clear and sufficient instructions regarding further actions the appellant must take to qualify the appeal for processing shall be provided.

- A cancelled appeal is one that the appeals coordinator or third level Appeals Chief has returned to the appellant without response to the specific appeal issue and is considered closed with the appellant having not exhausted administrative remedies.

- An inmate or parolee may withdraw an appeal by requesting to have the processing stopped at any point up to receiving a signed response. It shall be at the discretion of the appeals coordinator or third level Appeals Chief whether an appellant’s request to withdraw an appeal shall be accepted.

Erroneous acceptance of an appeal at a lower level does not preclude the next level (inclusive of the third level of review) from taking appropriate action, including rejection or cancellation of the appeal.

Under exceptional circumstances any appeal may be accepted if the appeals coordinator or third level Appeals Chief concludes that the appeal should be subject to further review. Such a conclusion shall be reached on the basis of compelling evidence or receipt of new information such as documentation from health care staff that the inmate or parolee was medically or mentally incapacitated and unable to file. Likewise, failure to conform to or to comply with any submission requirement (such as mandatory use of ink) shall be excused if the appellant is unable to comply due to reasons beyond their control at the time the appeal is written.

Rejection

The appeals coordinator may reject an appeal for any of the following reasons, which include but are not limited to:

- The appeal concerns an anticipated action or decision. This includes the premature filing of an appeal without first bringing an issue to the attention of staff so that an action can be taken or a decision rendered.

- The appellant has failed to demonstrate a material adverse effect on his or her welfare (see 15 CCR §3084(c)/DOM §54100.4).

- The allowable number of appeals filed in a 14 calendar day period has been exceeded contrary to 15 CCR §3084.1(f)/DOM §54100.9.

- The appeal makes a general allegation, but fails to state the facts or identify an act or decision consistent with the allegation. “General” allegation means an allegation that lacks the specificity or factual evidence necessary to support the statement in question.

- The appeal contains threatening, obscene, demeaning, or abusive language and/or organic contamination is included in or makes up any part of the appeal package. Appeals submitted with hazardous or toxic material that present a threat to the safety and security of staff, inmates, or the institution may be subject the appellant to disciplinary action and/or criminal charges commensurate with the specific act.

- The inmate or parolee has not submitted his or her appeal on the departmentally approved forms.

- The inmate or parolee has not submitted his/her appeal within the prescribed time limits.

- Requirements respecting original copy, font size, allotted space, numbers of pages, dividers and tabs etc., set forth in the “appeal preparation” section of this article have not been met or the appeal documentation is defaced. For example, the inmate or parolee has not submitted his/her appeal printed legibly in ink or typed on the lines provided on the appeal forms no smaller than a 12-point font or failed to submit or has defaced original copy with drawings or obscenities. Attaching dividers or tabs to the appeal forms and/or supporting documents is also unacceptable because it impedes appeal processing.

- The appeal is incomplete with regard to required signatures, dates or other identifying details or use of required attachments. For example, the inmate or parolee has not provided a signature, date, or other identifying information in the designated areas provided on the appeal form or, as 15 CCR §3084.3/DOM §54100.8 requires, the supporting documents necessary for the clarification and/or resolution of the appeal issue are missing.

- The appeal is incomprehensible and/or the issues are obscured by pointless verbiage or voluminous unrelated documentation such that the reviewer cannot be reasonably expected to identify the issue under appeal.

- Exercise caution not to screen out appeals submitted by inmates or parolees who have difficulty in expressing themselves in writing or whose primary language is not English.

- When it is determined the inmate or parolee is having such difficulty, a personal interview with the appellant shall be directed by the coordinator to assist them in filing the appeal.

- Refer to DOM §54100.8 as necessary for clarification of the document attachment requirements.

- The problem, issue, or event constituting the basis for grievance cannot be understood as submitted and the reviewer cannot reasonably identify the matter in question and/or the basis for appeal.

- The appeal involves multiple issues that do not derive from a single event, or are not directly related and which cannot be reasonably addressed in a single response due to this fact.

- Unrelated issues have been combined on a single appeal form for the purpose of circumventing filing process requirements.

- The inmate or parolee has submitted the appeal for processing at an inappropriate level; bypassing required lower level(s) of review, e.g., submitting an appeal at the third level prior to lower level review.

- The appeal issue or complaint emphasis has been changed at some point in the process to the extent that the issue is entirely new, and the required lower levels of review and assessment have thereby been circumvented. This includes instances where the issue and/or requested action has been changed from that described originally in Parts A and B of the CDCR Form 602.

When rejecting an appeal, a CDC Form 695, Inmate/Parolee Appeals Screening Form, shall be completed and sent to the appellant noting the reason for the rejection.

The CDC Form 695 shall also provide clear instruction regarding further action(s) the appellant must take to qualify the appeal for acceptance.

If the appellant is identified as requiring assistance in filing the appeal that assistance shall be provided before processing the CDC Form 695.

An appeal that is rejected may later be accepted if the reason(s) noted for rejection are corrected and the appeal is re-submitted within 30 calendar days from the date of rejection. As the appellant has the ability to resubmit a rejected appeal, appeals of a rejected appeal will not be accepted.

Cancellation

The appeals coordinator may cancel an appeal for any of the following reasons:

- The action or decision being appealed is not within the jurisdiction of the Department.

- The appeal duplicates an inmate or parolee’s previous appeal upon which a decision has been rendered or is pending.

- The inmate or parolee continues to submit a rejected appeal while disregarding appeal staff’s previous instructions to correct the appeal, including failure to submit necessary supporting documents, unless the inmate or parolee provides in Part B of the CDCR Form 602 a reasonable explanation of why the correction was not made or documents are not available.

- Time limits for submitting or correcting and returning a rejected appeal are exceeded even though the appellant had the opportunity to file within these prescribed time constraints.

- In determining whether the time limit has been exceeded, the appeals coordinator shall consider whether the issue being appealed occurred on a specific date or is ongoing.

- If the issue is ongoing—such as, but not limited to continuing lockdowns, retention in segregated housing, or an ongoing program closure—the inmate/parolee may appeal any time during the duration of the event. The inmate/parolee is precluded from filing another appeal on the same issue unless a
change in circumstances creates a new issue.  
- The appeal is filed on behalf of another inmate or parolee.  
- The issue is subject to a review independent of the appeal process such as a Departmental Review Board (DRB) decision which is not subject to appeal and concludes the inmate or parolee’s administrative remedies on classification issues pursuant to the provisions of 15 CCR §3376.1/354100.10.  
- The appellant is deceased before the timeframes for responding to an appeal have expired and the appeal is not a group appeal.  
- The appellant refuses to be interviewed or cooperate with the reviewer.  
- The appellant’s refusal to be interviewed or to cooperate with the reviewer shall be clearly articulated in the cancellation notice and the appellant given an opportunity to explain the reason for the failure or refusal.  
- If the appellant provides sufficient evidence to establish that the interviewer has a bias regarding the issue under appeal, the appeals coordinator shall appoint another interviewer.  
- The presented appeal is on behalf of a private citizen.  
- Failure to correct and return a rejected appeal within 30 calendar days of rejection.  
- The issue appealed has been fully resolved at a previous level or as determined by the appeal coordinator or the third level Appeals Chief.  
- In such cases, the appeals coordinator’s or third level Appeals Chief’s rationale for concluding or determining that the appeal issue has been fully resolved shall be provided.  
- All members of a group appeal have been released, transferred or are no longer subject to the conditions giving rise to the appeal.  

Once cancelled, the appeal may not be resubmitted unless there is a determination by the appeals coordinator or third level Appeals Chief (when cancellation was made at the third level) that the cancellation was made in error or new information is received which causes the appeals coordinator or Chief to conclude that the appeal should be subject to further review.  
- The appeals coordinator or the Chief has the discretion to waive a cancellation requirement if, in their opinion, such application would deny review of an issue that could result in extraordinary and serious irreparable harm or loss.  
- When an appeal is cancelled, the inmate or parolee may file a separate appeal if they believe the screening policy or the application of the screening policy by the appeals coordinator was inappropriate. The new appeal shall include the original CDCR Form 602 as an attachment to facilitate the review of the original cancellation decision.  
- The new appeal shall address only the cancellation decision, not the issue(s) raised in the original appeal.  

Upon determination that the original appeal was inappropriately cancelled, the appellant will be allowed to resubmit the original appeal for processing in accordance with the filing requirements of this article.  

Withdrawal  
An inmate or parolee may withdraw an appeal by completing the appropriate section of the CDCR Form 602 stating his or her reasons for the withdrawal accompanied by a dated signature. If a withdrawal is conditioned upon an express promise of relief noted in writing at the time of withdrawal and the promised relief is not provided, the matter may be re-submitted within 30 calendar days of the failure to grant the relief promised.  
- The withdrawal of an appeal does not preclude further administrative action by the Department regarding the issue under appeal.  
- A withdrawn staff complaint shall be returned to the hiring authority for determination of further administrative action.  
- Group appeals shall not be withdrawn at the request of the primary appellant unless all of the signatories agree to withdraw the appeal.  

54100.12 Referral for Review  
After logging an appeal, the appeals coordinator shall assign the appeal for first or second level review as appropriate. Time limits for reviewing appeals shall commence the day following the date of receipt of the appeal form by the appeals office. An appeal response shall not be assigned to any staff member who participated in the action, decision, determination, or review being appealed. Another appropriate person at the same or higher level shall be assigned this responsibility instead.  
This does not preclude the following:  
- The use of staff to research the appeal issue(s) who are at a lower level than the staff whose actions or decisions are being appealed.  
- The involvement of staff who may have participated in the event or decision being appealed, but whose involvement with the appeal response is necessary to determine the facts or provide an administrative remedy, as long as the staff person is not the reviewing authority for the appeal and/or their involvement in the process would not reasonably be expected to compromise the integrity or outcome of the process.  

Staff at an Associate Warden or Parole Administrator level shall review and sign off on first level decisions, and the hiring authority (Warden, Regional Parole Administrator, etc.) or designee shall review and sign off second level decisions.  

54100.13 Levels of Review  
Because the appeal process provides for a systematic review of inmate and parolee grievances and is intended to afford a remedy at each level of review, administrative remedies shall not be considered exhausted until each required level of review has been completed. Cancellation or rejection decisions also do not exhaust the administrative remedies available. As used in this article, “reviewer” means the individual with signature authority for the approval or disapproval of an appeal response completed or drafted at any level. The appeal process shall consist of three levels of review; the first and second levels are normally reviewed at the institution or parole region, and the third level review occurs at the Department Secretary’s level. Third level review shall consist of an evaluation of decisions relative to an appeal including all supporting documentation and modification orders (see DOM §54100.17) issued at the first, second or third level. For each subsequent level of review, the inmate or parolee shall submit the original CDCR Form 602 (and, as necessary, the Inmate/Parolee Appeal Form Attachment, CDCR Form 602-A), with supporting material and explanation stating, in detail, the reason(s) for his or her dissatisfaction with or disagreement with the reviewer’s response.  

54100.13.1 First Level  
All appeals shall be initially filed and screened at the first level unless the first level is otherwise waived. In the institution, the appeals coordinator shall determine the nature of the problem and assign the appeal to the appropriate division head. In the parole division, the regional appeals coordinator shall determine the nature of the problem and assign the appeal to the appropriate administrator. The appeal issue shall be reviewed, the appellant interviewed (see DOM §54100.14), and a response prepared for the division head's review and signed approval. If the appeal is denied at first level, it then may be appealed at the second level.  

First Level Bypass  
The appeals coordinator may bypass the first level for appeals of:  
- A policy, procedure, or practice implemented by the institution head.  
- A policy, procedure, practice or rule implemented by the Department.  
- An issue that cannot be resolved at the division head’s level.  
- Serious disciplinary infractions.  

54100.13.2 Second Level  
Second level is for review of appeals denied at the first level or for which first level review has been bypassed. The second level shall be conducted by the hiring authority, not to be delegated below the level of Chief Deputy Warden, Deputy Regional Parole Administrator, or the equivalent. If the appeal concerns a department-wide policy, rule, practice or procedure, and the first level review therefore bypassed, the second level shall include an interview with the inmate or parolee.  
The second level must be completed except for Psychiatric Transfer appeals (see DOM §54100.22), or when appeals are filed directly with the Third Level (such as a complaint about Third Level appeals staff or appeals of a cancellation decision made by the Third Level).  

54100.13.3 Third Level  
The third level constitutes the Department Secretary’s decision on an appeal, and shall be conducted by a designated representative of the Secretary under the supervision of the third level Appeals Chief. The third level of review exhausts administrative remedies; however, this does not preclude amending a finding previously made at the third level. Administrative remedies shall not be considered exhausted relative to any new issue, information or person later named by the appellant that was not included in the originally submitted CDCR Form 602 and addressed through all required levels of administrative review (up to and including the third level, unless the third level of review is waived by regulation).
54100.14 Interviews
In order to provide the appellant the opportunity to clarify or add issues, and the reviewer to ask questions, at least one face-to-face interview with the inmate or parolee shall be conducted at the first level of review, unless:

- The inmate or parolee waives the interview by initialing the appropriate box on the CDCR Form 602. An appellant’s waiver of the interview shall not preclude staff from conducting an interview in the event of a staff determination that an interview is necessary.
- The first level review is bypassed, in which case a personal interview will be conducted at the second level unless waived by the inmate on the CDCR Form 602.
- The appeal is a request for a Computation Review Hearing in which case the initial interview shall occur at the second level of review.
- The reviewer has decided to grant the appeal in its entirety.
- The appellant is not present at the institution or parole region where the appeal was filed.
  - In such case, a telephone interview with the appellant shall meet the requirement of a personal interview.
  - The response must note that the interview was conducted by telephone, explain the extraordinary circumstances that required it, and state why a face-to-face interview was not possible under the circumstances described.
- If the appellant is not available for a telephone interview, the reviewer may request that an employee in that jurisdiction where the appellant is located conduct the interview on behalf of the appeal coordinator and provide a report.
- If the appeal concerns a disciplinary action and the appellant has transferred, the telephone interview may be waived if the appeals coordinator determines an interview would not provide additional facts.

Regardless of any inmate waiver, if additional clarification is needed, interviews may be conducted at the first or any subsequent level of review when the appeals examiner determines that the issue under appeal requires further clarification.

- In addition, one or more of the participating inmates/parolees shall be interviewed as necessary to clarify issues when group or multiple appeals are processed.
- Interviews may be conducted at the third level as necessary to obtain information not elicited at lower levels or to clarify the appeal issue(s), when the first and second level has been bypassed.

54100.15 Written Response
At each level not bypassed, the original appeal shall be returned to the appellant with a written response providing the reason(s) for the decision. Responses shall be provided in letter or memo format and attached to the CDCR Form 602 submitted by the appellant. Each written response shall contain the appellant’s name, departmental identification number, the appeal log number, level of review, and the name of the reviewer and interviewer. The written response shall accurately describe the matter under appeal and fully address the relief requested. Responses shall be objective and professional, and shall provide a reasonable finding in light of the facts and arguments presented. If the decision is a partial grant of the appellant’s requested action(s), the response shall clearly state which action(s) or relief has been granted, granted in part, or denied, and shall also state the action taken.

54100.16 Fixed Time Limits
In order to afford a timely review, the appeal shall be filed within 30 calendar days of the occurrence of the event or decision being appealed or of the inmate or parolee’s knowledge of the action or decision being appealed, or of receiving an unsatisfactory response to an appeal filed at the previous level, unless otherwise specified in this article. The acceptance, under exceptional circumstances, of an appeal beyond the 30 day policy is at the discretion of the appeals coordinator or third level Appeals Chief. The basis of this discretion shall be compelling evidence or receipt of new information, such as documentation from health care staff that the inmate or parolee was medically incapacitated and unable to file, supporting the conclusion that the appeal should be subject to further review.

All appeals shall be responded to and returned within the following time limits:
- First level responses shall be returned within 30 working days.
- Second level responses shall be returned within 30 working days.
- Third level responses shall be returned within 60 working days.

With regard to time frames for response processing, “day one” commences the next working day following receipt of the appeals form by the appeals office. Exceptions to the above time limits may be authorized by the appeals coordinator in the event of:
- Unavailability of the inmate or parolee, or involved witnesses.
- Complexity of the decision, action, or policy requiring additional research by responding staff.
- Necessary involvement of other agencies or jurisdictions.
- Reopening of a lower level decision at the direction of the third level.
- The normal time requirements for review and action on appeals has been suspended pursuant to a state of emergency as defined by 15 CCR §3383(c).

Except for the third level, if an exceptional delay prevents completion of the review within the specified time limits, the inmate or parolee shall be informed, in writing, of the reasons for the delay and estimated completion date.

54100.17 Modification Orders
A modification order is a formal instruction by the institution, parole region, or third level Appeals Chief directing a previous decision to be modified or reconsidered. Modification orders issued by the institution or the parole region at the first and second level shall be completed within 60 calendar days. Reasonable documented proof of completion of the modification order shall accompany the completed order, or a statement shall be added by the responder clarifying the action taken and why documentation is not available.

- If, due to extraordinary circumstances, the modification order cannot be completed within these time limits, staff responsible for compliance shall notify the appeals coordinator of the reason for delay and provide a projected date of completion. The appeals coordinator shall use this information to assign a new due date, and then enter this information in the tracking system.
- Staff responsible for complying with the modification order shall advise the appeals coordinator every 30 calendar days of the reason for delay and provide an updated projected completion date until the modification order is completed.
- All time constraints for an appellant to submit an appeal to the next level are considered postponed up to 120 days until completion of a previous level modification order.
- However, if the modification order is not completed after 120 calendar days of the initial issuance date, the appellant may submit the appeal to the next level for administrative review within 30 calendar days.

Modification orders issued at the third level shall be subject to the same time constraints as local modification orders, i.e. 60 calendar days.

- If it is not possible to comply within this timeframe, the institution or parole region shall notify the third level Appeals Chief in writing of the reason for the delay and provide a projected completion date.
- Updates on any delay shall be provided to the third level Appeals Chief every 30 calendar days.

Appellants shall be advised by the appeals coordinator of the reason for modification order delay and the anticipated date of completion.

- This process shall occur every 30 calendar days until the modification order is completed.
- Any third level appeal submission must occur within 30 calendar days of receiving a modified second level appeal response.

Upon completion of a third level modification order, the institution or parole region shall provide a proof of compliance memorandum to the third level Appeals Chief containing evidence of compliance with the name, signature and title of the person fulfilling the modification order. As necessary, a statement shall be added by the responder, clarifying the action taken. If the appellant transfers prior to the completion of the modification order, the originally assigned institution or parole region shall retain responsibility for completion of the modification order.

In cases where a modification order is issued on an emergency appeal, the order shall specify the timeframe for the completion of the action granted. The appeals coordinator (if granted at the second level), and the third level Appeals Chief or designee (if granted at the third level), shall notify the incoming authority expeditiously of the emergency timeframe for completion of the granted action and confirm that notification was received.
54100.18 Appeal Processing Responsibilities Involving Two Departmental Institutions/Regions

When an inmate/parolee files an appeal at one institution or parole region, and is then transferred prior to the appeal response being completed, the sending institution/parole region shall continue to complete the response. The receiving institution/parole region shall provide assistance as needed by the sending institution/parole region, including but not limited to coordinating and/or interviewing the appellant, to facilitate the timely completion of the appeal response.

- When an inmate/parolee has been transferred and files an appeal at the receiving institution or parole region of an action taken by the sending institution/parole region, the receiving institution or parole region shall date stamp the appeal and forward it to the sending institution/parole region for processing.
- When an inmate has been transferred and files an appeal concerning property loss or damage, the provisions of DOM §54100.23.2 shall apply.
- When an inmate has been transferred and is appealing a disciplinary action, the first level and, if applicable second level review, shall be conducted by the staff of the institution where the infraction took place. Interview(s) may be waived upon appeals coordinator determination that obtaining additional information will not affect the outcome of the appeal.

Interviews may be conducted by telephone pursuant to procedures set forth in DOM §54100.14.

Appeals on actions taken at contract facilities shall be handled by the institution or parole region responsible for the management of the facility, regardless of an emergency placement in an institution for security purposes.

Time limits on appeals forwarded to sending institutions/parole regions for response shall not commence until received by the responding institution/parole region.

54100.19 Emergency Appeals

An emergency appeal is defined as an urgent matter wherein disposition according to the regular time limits would subject the inmate or parolee to a substantial risk of personal injury, or cause other serious and irreparable harm to the inmate or parolee. Emergency appeals should not, however, be used by inmates or parolees as a substitute for verbally or otherwise informing staff of an emergency situation requiring immediate response.

Examples include but are not limited to:
- Threat of death or injury due to enemies or other placement concerns.
- Serious or imminent threat to health or safety.

The inmate/parolee shall clearly substantiate in writing the need for emergency handling of the appeal and send it directly to the appeals coordinator, who shall determine whether an emergency exists and so inform the inmate/parolee. The appellant shall also be notified in the event that the emergency handling of the appeal and send it directly to the appeals coordinator, who shall determine whether an emergency exists and so inform the inmate/parolee. The appellant shall also be notified in the event that the appeal does not satisfy the definition of an emergency, meets regular processing criteria, or is rejected for the specific reason(s) cited.

- If emergency processing is warranted, the first level shall be bypassed and the second level review shall be completed within five working days.
- If dissatisfied with the second level response, the appellant may resubmit to the appeals coordinator who shall electronically transmit it to, and confirm receipt by, the third level Appeals Chief for third level review.
- The third level review shall also be completed within five working days of receipt.

54100.20 Appeal of Disciplinary Actions

A disciplinary action is not considered complete until all processing requirements including the hearing, postponement and any re-hearing are completed as evidenced by the signature of the Chief Disciplinary Officer (CDO).

- A second level review shall constitute the Department’s final action of appeals of disciplinary actions of a CDC Form 115, Rules Violation Report (RVR) classified as “administrative” (15 CCR §3314) and of Custodial Counseling Chronos (CDC Form 128-A) documenting minor infractions, and shall exhaust administrative remedies on these matters.
- The date of the final RVR copy issued to the appellant shall serve to establish time limits for filing an appeal of the RVR, not the date of the disciplinary hearing.
- Inmates who wish to exhaust their administrative remedies for serious disciplinary issues must appeal through the third level of review.

The appeal review, at the first and second levels, shall not be delegated to a rank lower than the person who audited the disciplinary under appeal.

Regardless of what issue an appellant may raise concerning his or her RVR, the reviewer shall determine whether all due process and procedural requirements were met. Each disciplinary appeal submitted by an inmate or parolee shall be reviewed on the basis of conformance with the provisions of the Penal Code, the California Code of Regulations Title 15, Division 3, Rules and Regulations of Adult Institutions, Programs and Parole, and Chapter 5 of the Operations Manual — Custody and Security Operations.

When the reviewer of a disciplinary appeal determines that there was an error in either the due process or procedural requirements, or determines that the disciplinary finding was not supported by a preponderance of evidence presented at the hearing, one of the following remedies shall be considered:
- The original disposition shall be vacated and the charges dismissed.
- The RVR shall be modified.
- Vacating the original disposition accompanied by a reissuance and rehearing of the charges.

When a disciplinary disposition is vacated or modified by appeal, the second level responder shall either direct that the RVR be removed from the inmate’s C-File pursuant to 15 CCR §3326, or order that the charges as mandated by the appeal decision be made with appropriate annotations entered on file documents.

54100.20.1 Dismissal of the Charges

The original disciplinary disposition shall be vacated and the charges dismissed if the reviewer determines that any of the following circumstances apply or are evident:
- The finding was based on information that was later determined to be false or unsubstantiated and the remaining evidence is not sufficient to support the charge.
- There has been a significant lapse of time which makes it improbable, if not impossible, for the accused to present an adequate defense.
- Witnesses of significant import, either staff or inmates, are no longer available and their absence prevents the accused from presenting an adequate defense.

54100.20.2 Modification of the RVR or of the Disposition

The RVR normally shall be modified when all due process was afforded the appellant and errors identified during the review process are clearly minor or procedurally insignificant. Reasons for modifying the RVR include, but are not limited to:
- Clerical errors and typographical mistakes that have no bearing on the charge and do not inhibit the ability of the accused to understand the charge and present an effective defense.
- Adding a notation to the RVR disposition to satisfy fundamental procedural requirements, including when the hearing failed to document the disposition of any contraband item or substance related to the RVR.

The disciplinary disposition shall normally be modified when all due process was afforded the appellant and the evidence presented supports an equal classification but different offense, a lesser included offense, the imposition of a mandated sanction or the removal of a disposition or sanction that was improperly imposed. When the classification of the RVR and/or the disposition is not consistent with the evidence presented for which the appellant was found guilty, the following remedies shall be considered:
- If the RVR is classified higher than required for the specific act, the division shall be corrected and the assessed credit forfeiture shall be modified to within the range allowed for the corrected division.
- If the RVR is classified correctly, but the assessed credit forfeiture was greater than that allowed for that division, the assessed credit forfeiture shall be reduced to within the range allowed for that division.
- If the RVR is correctly classified, but the assessed credit forfeiture was less than that allowed for that division, the assessed credit forfeiture shall be reduced to zero.
- If the RVR is classified lower than that required for the charged offense, the division shall be corrected and the assessed credit forfeiture shall be reduced to zero.
- If the hearing official imposed a disposition or sanction (other than credit loss) that was not authorized by regulation, the unauthorized disposition and/or sanction shall be rescinded.
- If the hearing official imposed the incorrect level of a disposition or
sanction (other than credit loss) than that mandated by regulation, the disposition and/or sanction shall be corrected. Such impositions shall be calculated from the date of the RVR hearing or when they should have been imposed pursuant to law or regulation.

54100.20.3 Rehearing of the Charges

The original disposition shall be vacated and a new hearing ordered if the reviewer determines that any of the following circumstances apply or are evident:

- The accused was not given copies of required documents within specified time limits before the hearing and did not waive the time limits.
- The appellant requested but was not allowed to review a videotape or photographic evidence at least 24 hours prior to the hearing (or within 24 hours of the hearing if he or she waived the 24 hour period).
- The charge was based upon confidential information and the accused was not given a copy of the CDC Form 1030, Confidential Information Disclosure.
- Confidential information was used and the disciplinary finding did not address the reliability of the source and the validity of the information.
- The disciplinary hearing officer failed to articulate the reasons for finding the accused guilty, the evidence relied upon to make the disposition, or failed to note the reasons why the reporting employee or witness was not present or the reason(s) why time constraints were not met.
- The accused was inappropriately denied witnesses or denied witness statements or testimony which would have contributed to the accused’s defense.
- The senior hearing officer and the accused stipulated to what the witness testimony would be and waived the requested witness’ presence at the hearing, but the stipulation was not documented in the hearing portion of the RVR.
- Failure to obtain and document the appellant’s waiver of the reporting employee’s presence at the disciplinary hearing, when the appellant previously requested the reporting employee’s attendance.
- The reasons why the hearing was postponed beyond time constraints or the reasons for denying the appellant’s written request for postponement have not been provided, or if provided, are unsound and unsupportable.
- Failure to document the justification, consistent with regulatory expectations, of why the hearing was suspended.
- The accused was not allowed to speak or present documentation in their own defense or the hearing officer failed to articulate the defendant’s statement made at the time of the hearing in the body of the RVR.
- The accused was not assigned a staff assistant or language interpreter if required.
- An investigative employee (IE) was not assigned if required or the IE did not properly carry out their duties, and it appears that such an investigation was needed.
- A staff assistant did not properly perform his or her required duties or did not meet with the appellant at least 24 hours prior to the RVR hearing.
- The hearing official engaged in activities that would lead to a predetermined belief on their part with respect to the appellant’s guilt or innocence relative to the matter in question.

54100.20.3.1 Holding the Rehearing

A decision to order the rehearing of disciplinary charge functions to void the disposition of the RVR being appealed. When a disciplinary charge is ordered reheard, a new RVR shall be written and processed.

- The disciplinary time constraints for holding a rehearing shall begin on the date the CDO orders a rehearing and shall conform to those for original processing, except when an inmate/parolee is being returned to a facility for a disciplinary rehearing, the time constraints shall begin upon the inmate/parolee’s return to that facility.
- The circumstances section of the RVR shall indicate that the RVR is a re-issue resulting from a CDO’s order to correct a noted deficiency. The statement shall include the date of the order.
- When a disciplinary action is ordered reissued and reheard, the original disciplinary disposition shall be vacated and no longer have effect. Any appeal of the original disciplinary disposition shall be cancelled unless there are other issues that are not resolved by the dismissal and rehearing of the original charge. If the appeal contains other issues not directly arising from the disciplinary action, those issues shall be addressed while noting that the disciplinary issues will not be addressed.

54100.20.3.2 Time Limits

Time limits for holding a rehearing shall conform to those specified in 15 CCR §3320 for processing the original charge.

54100.20.3.3 Notifications

If the inmate remains at the institution where the behavior causing the original charge occurred, the appeals coordinator shall ensure that responsible staff are notified of the rehearing order and reasons for the rehearing. The notification shall be in writing and shall be conveyed to staff responsible for conducting the rehearing.

54100.20.3.4 Classification and Parole Representative (C&PR) Collaboration

If the inmate has been transferred, and the decision is to have him or her returned for the hearing, the appeals coordinator shall be responsible for notifying the institutional C&PR of said decision.

- The institutional C&PR shall arrange with the other location, where the inmate resides, for the inmate’s case to be reviewed by the CSR for endorsement and prompt return to afford staff the opportunity of a timely hearing of the RVR.
- Time constraints for conducting a rehearing under these circumstances shall not begin until the inmate has been returned to the institution where the hearing will be conducted.

If the inmate has been transferred and the decision is made not to have him or her returned for the hearing, the C&PR working with the facility that issued the disciplinary charges shall arrange for all necessary documents to be sent to the receiving institution to facilitate the disciplinary hearing within time constraints and one of the following shall occur:

- Staff at the receiving institution shall hear the disciplinary report and afford the appellant access to witnesses via a speaker phone or its equivalent or
- Staff from the institution that issued the disciplinary report shall travel to the receiving institution and conduct the hearing providing for witnesses via speaker phone or its equivalent.

54100.21 Transfer Appeals

A decision for transfer to another institution or facility may be appealed by the affected inmate after endorsement by the Classification Staff Representative (CSR). The filing of an appeal by the inmate shall not routinely stay or delay the pending transfer except in extraordinary circumstances and at the discretion of the Warden or designee.

- For appeals of regular transfer endorsements:
  - The first level review is waived.
  - If the appeal is granted at the second level, the appellant’s case shall be presented to a second CSR for reconsideration.
  - If the second CSR disagrees with the institution’s decision, the institution head may submit the case to the Department Review Board (DRB) for final decision.
  - If the appeal is denied at the second level, or the institution head does not refer the case to the DRB, the inmate/parolee may appeal to the third level.

- For appeals of reception center transfers:
  - First level review shall be conducted by reception center staff at the level of correctional administrator.
  - If the appeal is granted, the inmate/parolee may be retained at the reception center until the case is presented to a second CSR only if the proposed transfer poses a threat to the health or safety of the appellant.
  - If the second CSR disagrees with the first level appeal decision, the inmate/parolee may resubmit the appeal for second level review.
  - Second level review shall be conducted by the institution head, who may retain the inmate/parolee at the reception center as a second level review action and refer the appeal to the DRB for resolution. The DRB’s decision shall constitute final review.

54100.22 Psychiatric Transfer Appeals

An inmate who is involuntarily transferred to the California Medical Facility
appeals coordinator shall:

Appeals alleging property loss or damage following a transfer, regardless of

54100.23 Lost or Damaged Property

When an inmate or parolee believes that the State is responsible for the loss of

54100.23.2 Inmate Appeals of Lost or Damage Property During

inmates housed in a contract facility, including inmates transferred to or from

processed at the institution/parole region where the loss or damage occurred.

First and second level appeals concerning lost or damaged property shall be

which may be more restrictive than the CDCR appeal process and may

with the VCGCB shall adhere to the timeframes governing these claims

Claims Board (VCGCB) (formerly Board of Control) and shall provide

right to file a claim directly with the Victim Compensation and Government

• To facilitate resolution, copies of any relevant documentation concerning the lost or damaged property should be presented.

• In the event of an apparent loss or damage during transfer, the complainant shall first contact staff at the receiving institution to establish whether the property did or did not arrive, and in what condition.

• If this attempt at resolution of the problem is unsuccessful, the inmate/parolee may file an appeal on CDCR Form 602.

54100.23.1 Appeals of Lost or Damaged Property

All property loss or damage arising from the same departmental event or action shall be included by the appellant in one appeal form. Such appeals are subject to rejection if relevant documentation is not attached, including a signed copy of the CDCR Form 1083, Inmate Property Inventory.

Staff assigned to respond to appeals alleging property loss or damage shall conduct a thorough examination of all documents submitted and any other pertinent information that will assist in resolving the property claim including, but not limited to:

• A thorough search for the lost property.

• Inspection and assessment of the damaged property.

• Interviews, especially when documentation identified staff who handled the property.

• Review of departmental records, including but not limited to, property receipts, property transfer receipts, property control cards, and property inventory sheets.

Any decision denying a property claim shall inform the inmate/parolee of the right to file a claim directly with the Victim Compensation and Government Claims Board (VCGCB) (formerly Board of Control) and shall provide instructions for such filing. An inmate/parolee who wishes to file a claim with the VCGCB shall adhere to the timeframes governing these claims which may be more restrictive than the CDCR appeal process and may require the appellant to file a claim prior to receiving a final decision on his or her CDCR appeal.

First and second level appeals concerning lost or damaged property shall be processed at the institution/parole region where the loss or damage occurred. All provisions of this article concerning property loss or damage apply to inmates housed in a contract facility, including inmates transferred to or from a contract facility.

54100.23.2 Inmate Appeals of Lost or Damage Property During Transfer

Appeals alleging property loss or damage following a transfer, regardless of where the loss or damage occurred, shall be submitted to the appeals coordinator at the receiving institution. The receiving institution appeals coordinator shall:

• Date stamp the appeal.

• Conduct an initial review of the appeal for conformance with appeal processing requirements, including time constraints, missing signatures, and supporting documents.

• Review the appeal and determine which institution shall respond to the appeal in accordance with the following:

  • If able to determine that the property loss or damage occurred some time after the property arrived at the receiving institution, or if records indicate that the property was issued to the appellant at the receiving institution, the receiving institution appeals coordinator shall process the appeal.

  • If unable to determine where the loss or damage occurred, or information suggests that the loss or damage occurred prior to arrival at the receiving institution, the appeal shall be forwarded to the sending institution for review. Upon receipt, the sending institution appeals coordinator shall date stamp and process the appeal.

The transportation unit or any facility that housed the appellant or the property in question in transit during the transfer shall assist and provide any information necessary for a thorough review of the property claim. The first level response shall instruct the appellant, if dissatisfied, to resubmit the appeal to the receiving institution for a second level review. Exceptions, where the sending institution would be expected to complete the second level response, include but are not limited to:

• The appellant was not in possession of the property at the time of transfer.

• The property was not sent with the appellant by the sending institution.

• The property loss or damage occurred at the sending institution.

54100.23.3 Parolee Appeals of Lost or Damaged Property during Release To Parole

When a paroled inmate alleges property loss or damage, the parolee shall submit the appeal to the institution where he or she last relinquished the property, unless the parolee has documentation to indicate the property was in the possession of another CDCR entity. Parolees who relinquished their property to a federal, county, or other State agency official should seek resolution directly with that entity. When it is established that the Department is responsible for a parolee’s property loss or damage during release to parole, the sending institution shall settle the claim, regardless of where the loss or damage occurred.

54100.23.4 Granted Property Appeals

Unless otherwise specified in this Article the facility where the property loss or damage took place shall settle the claim. If the loss or damage took place during transit, or staff are unable to determine where the loss or damage occurred, the sending institution shall settle the claim. When the property loss or damage occurred during transit between the sending and receiving institutions, a copy of all granted property claims shall be forwarded to the Director, Division of Adult Institutions, for corrective action if warranted. If a property appeal is granted, an attempt shall first be made by staff to use local resources to substitute for or replace lost or damaged property at no cost to the State, or to repair the item at the institution’s expense. An inmate/parolee’s refusal to accept repair, replacement, or substitution of like items and value shall be cause to deny the appeal.

• When denying an appeal based on the basis of an appealant’s refusal to accept like item and value substitution, the reviewer must state why they believe the replacement offered is considered a like item of equivalent value.

• Monetary compensation to the inmate/parolee shall be considered only if repair is not possible, and replacement or substitution of like items of equivalent value are not available.

• Both a first and second level review is required prior to awarding a monetary reimbursement for lost or damaged property. First level responses recommending a monetary reimbursement shall instruct the appellant to resubmit the appeal for a second level review. The second level review may affirm, modify or deny the first level recommendation.

• Actual monetary reimbursements shall not exceed limits imposed in accordance with the Personal Property provisions of 15 CCR §§ 3190-3195. Monetary claims for amounts of $100 or less are filed with and settled by the Department directly. Under Government Code Section 935.6 the VCGCB may authorize the Department to settle and pay claims for higher amounts. In the event such delegation is granted, guidance provided by departmental accounting officials specific to this matter shall be prevailing.

• The distribution of completed second level property appeals for $100 or less includes:

  • Original to appellant.

  • Copy to institution or parole region appeals coordinator.

  • Copy to institution accounting office (inmate cases).

  • Copy to Central Office accounting office (parolee or reentry cases).

  • Copy to institution or parole region records.

Before payment of any granted claim, the inmate/parolee shall discharge the State in writing from further liability for the claim pursuant Government Code Section 965. The original of this
If the Secretary’s level action is to grant and/or endorse a monetary claim, a
inmate/parolee may appeal to the third level Appeals Chief if dissatisfied
first level review. The RPA shall conduct the second level review. The
by the caseworker on a CDC Form 128-B. A copy of the CDC Form 128-B
contained in the inmate’s C-File. This review shall include a personal
(RPS) has been returned to the institution by the parole region. Institution
Appeals on release to county of last legal residence shall not be accepted
§54100.23.4. The
54100.24 Conditions of Parole Appeals
Inmates or parolees may appeal discretionary imposition by the Department
special and additional special conditions of parole, requesting removal or
amendment of any condition unnecessary for public safety, security or
rehabilitation purposes. Prior to filing an appeal, a request to remove or
amend an imposed condition or conditions may first be made via a written
request (CDCR Form 22) directed to the assigned parole agent and submitted
in accordance with the provisions of the Request for Interview, Item or
Service article (DOM §54090). Specific reasons for objection to the condition(s) in question shall be
stated and any necessary supporting document or information attached to
the request. An appeal of parole conditions shall be reviewed and signed at the
Second Level of Review.

Review and Time Limits
An appeal regarding a request to remove or amend one or more of the
condition(s) of parole shall be filed within 30 calendar days of imposition or
within 30 calendar days following receipt of the written confirmation of the
supervisor’s decision to uphold the condition(s) as originally imposed (With
respect to supporting document requirements, see DOM Section 54100.8). The first level review shall be waived and the second level of review
shall be completed by the regional parole administrator or designee. Appeals of special conditions of parole shall be addressed by
the parole region. If the appeal is sent to the institutional appeals coordinator by mistake, it shall be forwarded to the appropriate parole region and the inmate/parolee notified that the appeal has been forwarded. The appellant, if dissatisfied with the second level of review, shall forward the appeal to third level.

54100.24.1 Parole to County of Last Legal Residence
Appeals on release to county of last legal residence shall not be accepted until the CDCR Form 611, Release Program Study/Parole Assessment (RPS) has been returned to the institution by the parole region. Institution caseworkers, upon receipt of an appeal alleging safety concerns in the county of last legal residence, shall review and compare the factual information contained in the inmate’s C-File. This review shall include a personal interview with the inmate and all information obtained shall be documented by the caseworker on a CDC Form 128-B. A copy of the CDC Form 128-B shall be attached to the appeal prior to submission to the parole region. The appeal shall be sent to the regional appeals coordinator where the RPS was completed, who shall route the appeal to the appropriate assistant RPA for its first level review. The RPA shall conduct the second level review. The inmate/parolee may appeal to the third level Appeals Chief if dissatisfied with the second level response.

54100.24.2 Re-entry Program Placement or Denial
Appeals of placement in specific reentry locations or programs shall be sent
directly to the appeals coordinator of the parole region from where the
decision occurred. The first level review of the placement decision shall be
conducted by the supervisor of the staff member who made the decision. The Regional Administrator or designee shall conduct second level reviews. The appellant may, if dissatisfied, forward the appeal to third level.

54100.25 Staff Complaints
An inmate/parolee appeal which alleges facts that would constitute misconduct by a departmental employee shall be logged as a staff complaint by the appeals coordinator only after review and categorization as a staff complaint. Such review must be completed by an employee designated by the hiring authority at a level not below Chief Deputy Warden, Deputy Regional Administrator or equivalent. In the context of this Article, “staff misconduct” means staff behavior that violates or is contrary to law, regulation, policy, procedure, or an ethical or professional standard. Confidentiality of a staff complaint may be achieved through submission as confidential correspondence addressed to any official having responsibility for the custody, parole supervision or care of the inmate or parolee appellant. Hiring authorities receiving such allegations shall, in addition to the requirements of this article, ensure that the procedures and safeguards pertaining to Employee Misconduct investigations/Inquiries (see DOM §31140.4) are satisfied. Unless circumstances suggest a potential threat to the safety and security of the institution or persons, appeals which generally allege misconduct but provide no facts or evidence of behavior that could be construed as misconduct, shall ordinarily be rejected and sent back to the sender for additional information. If the appellant does not provide the requested clarification of the alleged misconduct the appeal need not be processed as a staff complaint. This process is distinct from the filing of a citizen’s complaint lodged pursuant to the provisions of Penal Code §832.5 by a person not under the jurisdiction of the Department. A staff complaint alleging excessive or inappropriate use of force shall be addressed pursuant to the procedures set forth in 15 CCR §§ 3268-3268.2. Upon referral after date stamping, the hiring authority of the involved area will review and/or respond to any staff complaint except those filed directly against the hiring authority or above.

When an appeal is received alleging staff misconduct that also includes issues such as property complaints, classification actions, or other issues, the appeals coordinator will:
• Inform the inmate/parolee in writing that the appeal will be addressed as a “staff complaint” and that other appeal issue(s) may only be appealed separately and resubmitted if the intention is to seek resolution of those issues.
• 30 day time constraints for the additional appeal begin the date the inmate/parolee receives notice from the appeals coordinator of the above determination. In the event the hiring authority makes a determination that the complaint will not be categorized as a staff complaint, it shall be processed as a routine appeal based upon the issues raised including those alleged as misconduct. The appeal response must show why the appeal did not meet criteria for processing as a staff complaint, explaining how the issues raised were not indicative of misconduct.

54100.25.1 Rights and Responsibilities Statement
An appeal that alleges misconduct by a departmental peace officer as defined in 15 CCR §3291(b) shall be accompanied by the 15 CCR §3391(b) Rights and Responsibility Statement.
• An appeal received without such statement shall be processed and the statement obtained from the appellant at the time of the initial appeal interview.
• Should the inmate/parolee refuse to sign the Rights and Responsibilities Statement, the appeal shall be cancelled for lack of cooperation.
• Cancellation does not relieve the Department of its responsibility to address alleged staff misconduct as revealed or suggested via the cancelled appeal. Therefore, the appeal shall be returned to the hiring authority for determination if an inquiry remains appropriate in light of the refusal to cooperate.
• The result of any such inquiry shall not be shared with the appellant and the appellant will not be considered to have exhausted administrative remedies.

54100.25.2 Processing of Staff Complaints
No less than weekly (within five working days), complaints alleging staff misconduct will be presented by the appeals coordinator to and shall be
reviewed by the hiring authority or designee who shall make a determination whether the allegation will be processed as a staff complaint. That determination shall consider whether the appeal alleges staff behavior which would be a violation of law, regulation, policy, procedure or prevailing professional or ethical standards. Such misconduct need not be the focus of the appeal, but if facts are alleged which suggest misconduct, the matter must be referred to the hiring authority to determine the following type of processing:

- As a routine appeal, but not as a staff complaint, as there is no evidence to suggest staff misconduct.
- As a confidential staff complaint appeal inquiry as the nature of the allegation or the lack of evidence makes adverse action unlikely.
- As a referral to Internal Affairs for an investigation as the evidence or the circumstances suggest that adverse action is likely if the allegations are proven.

The employee shall be notified as soon as possible in accordance with any applicable bargaining unit agreement when an appeal is accepted as a staff complaint unless the hiring authority determines that the matter involves a confidential investigation that would be compromised by such notice.

If the hiring authority makes a determination that the complaint warrants an Internal Affairs investigation, the following shall occur:

- The appeals coordinator shall bypass the first level review and respond at the second level, noting that the appeal is granted or partially granted and referred for an Internal Affairs investigation.
- An Internal Affairs Investigation Request shall be completed and forwarded to the Office of Internal Affairs with all accompanying information and documentation.
- Upon completion of the investigation, the appellant shall be notified of the outcome.

When an allegation does not warrant an Internal Affairs investigation or the matter is declined by the Office of Internal Affairs, but does warrant an inquiry, the following shall occur:

- The appeals coordinator will assign the staff complaint for a first or second level response at the discretion of the hiring authority.
- A Confidential Appeal Inquiry shall be conducted in conjunction with the review response.
  - Review and approval of the Confidential Appeal Inquiry supplement by the hiring authority or their delegated representative no lower than the level of a Chief Deputy Warden or equivalent shall occur.
  - The appellant need not be interviewed by the person preparing the appeal response if a confidential inquiry has been completed.
  - The appeal inquiry supplement with a red cover sheet attached, designating it as confidential, is to be placed in the appeal file. The appellant will not be provided a copy.
- After completing interviews with pertinent witnesses, the subject of the staff complaint may be interviewed (if necessary to reach a determination) by a person trained to conduct administrative reviews. A Notice of Interview shall be served at least 24 hours prior to such interview.
  - If the subject chooses to waive the 24 hour requirement, he or she must indicate this at the time he or she is given notice.
  - Upon voluntary waiver, the subject may be interviewed immediately, if desired.
  - At the time of the interview the subject of the interview shall be served with an advisement of rights which is to be signed prior to any interview.
  - The subject may request to record the interview and will be allowed to retain their copy of the recording. However, under such circumstances, a concurrent separate recording shall be made by the Department and retained in the appeal office. Only the subject can initiate a request to record the interview.
  - Pertinent witnesses are those individuals in possession of information or knowledge necessary to come to a reasonable conclusion as to whether or not policy was violated.
  - The witnesses need not be noticed or admonished, nor shall a witness be allowed to record the interview or have a representative present.
  - If at any time during the course of the appeal inquiry the reviewer discovers information indicating misconduct may have taken place of a severity that would likely lead to adverse personnel action the reviewer shall:
    - Cease further interviewing of staff or inmates/parolees.
    - Bring the matter to the attention of the hiring authority.
    - The hiring authority shall make a determination whether the matter will be referred for Internal Affairs investigation.
- The confidential inquiry shall review the information available to determine whether policy was violated and the confidential report shall summarize the review and include a determination of the findings concerning the allegation.
  - The author of the report shall provide sufficient facts and testimony to reasonably support the conclusion(s) given.
  - This report shall be kept with the appeal file in the Appeals Office and no other copies shall be kept or maintained except as described in this subsection or as needed for third level review or litigation. The document is strictly confidential to all inmates and any staff except those involved in the appeal process or litigation involving the Department.
- Accused staff may view the confidential report in the appeal file upon approval of the Litigation Coordinator, but if any information relating to other staff is contained therein, a copy shall be made and that confidential information redacted prior to the review. Neither the original nor the copy shall leave the appeals office except as specified above and any redacted copy shall be placed with the original after review.

The institution/parole region’s appeal response to a staff complaint shall inform the appellant of the status of the referral for investigation and outcomes as follows:

- The referral for investigation and the status of the investigation. Additionally, the appellant shall be notified of the outcome at the conclusion of the investigation.
- The decision to conduct a confidential inquiry and whether the findings determined that the staff in question did or did not violate department policy with regard to each of the specific allegations(s) made.
- In the event that the matter is rejected by Office of Internal Affairs (OIA) due to insufficient evidence and the hiring authority elects not to complete an inquiry because the OIA review is sufficient to exonerate staff, the appellant shall be notified that a finding has been made that policy was not violated.

An appeal alleging staff misconduct by an appeals coordinator shall be reviewed by the hiring authority for determination of processing. If accepted for processing at the first level, neither the appeal response nor the Confidential Supplement to Appeal, Appeal Inquiry shall be prepared or reviewed by staff assigned to the Appeals Office.

54100.26  **Reserved**

54100.27  **Health or Safety Complaint (CALPIA)**

Inmates employed by CALPIA shall submit any complaint concerning perceived health or safety hazards relating to prison industries to the prison industries’ safety committee, in accordance with Labor Code (LC) and Industrial Relations regulations.

- The CDCCR Form 602 shall not be used for the purpose of such complaints. A Cal/OSHA form for the reporting of alleged safety or health hazards may be used, but is not required.
- A health and safety complaint should not be used by inmates as a substitute for verbally or otherwise informing staff of an urgent health or safety situation requiring immediate response or action.

An inmate who believes a health or safety hazard exists in a CALPIA operation is afforded the opportunity to submit a written complaint.

- The complaint shall be deposited in a readily accessible complaint box or presented to any CALPIA staff member, including the inmate supervisor, member of the health and safety committee, or the affected shop superintendent or their equivalent.
- Any CALPIA staff member receiving a written health and safety complaint for an inmate worker shall direct it to the health and safety committee for review and response.
- If the inmate finds the committee’s conclusions to be unsatisfactory for any reason, he or she may request the complaint be forwarded to the Department of Industrial Relations, Division of Occupational Safety and Health (DOSH).
- The CALPIA Health and Safety Unit shall coordinate the submission
of any health and safety complaint submitted pursuant to this section which cannot be resolved by the Safety Committee or for which the complainant is not satisfied to DOSH.

- DOSH shall determine whether any complaint is bona fide and respond in accordance with the requirements of LC Subsection 6304.3(b).

Should the inmate believe that retaliatory action has taken place as a result of the complaint, the inmate may file a CDCR Form 602 appeal of this alleged retaliation with the institution appeals coordinator.

54100.28 Movie/Video Selection or Exclusion Appeal

Movies/videos that have been given a rating of other than “G,” “PG,” “PG-13” by the Motion Picture Association of America are not approved for either general inmate viewing or for viewing within institutional classrooms, and are not subject to appeal at any level. The first level of appeal shall be waived for appeals related to the selection or exclusion of a “G,” “PG,” or “PG-13” rated or non-rated movie/video for viewing and the second level response shall constitute the Department’s final response on appeals of this nature.

54100.29 Term Computation Appeals

Whenever an inmate or parolee files a CDCR Form 602 which sets forth a specific, clearly stated claim regarding an error in the computation of a term of confinement or period of parole based upon documentation in the record, and the issue is not resolved (granted) at the first level, the inmate or parolee may request a computation review hearing. (Reference: Haygood v. Younger, (1985)-769 F. 2d 1350.)

- Other classification, pay or work time issue appeals shall be addressed by a classification committee or work supervisor, and shall not warrant a computation hearing.
- The only issue to be determined in the hearing is whether or not an error has been committed which adversely affects a term of confinement or period of parole.
- The computation review hearing, when scheduled, shall constitute the second level of review.

54100.29.1 First Level

Parole period and term computation appeals shall be reviewed at the first level by the Department’s records staff. The inmate or parolee must state in detail the alleged error or reason for disputing the calculation of his or her release date. The case records staff shall research the case, considering case law and Department policy and procedure. If the relief requested is not granted at the first level, the CDCR Form 602 appeal shall be returned to the inmate or parolee along with two copies of the CDC Form 1031, Notice of Right to Request a Computation Review Hearing. The inmate/parolee shall sign the notice acknowledging receipt. The signed form shall be returned to case records staff for filing in the miscellaneous section of the inmate’s/parolee’s C-File. The inmate/parolee shall retain the second copy.

54100.29.2 Appeals Coordinator

If the inmate or parolee wishes to have a computation review hearing, he or she shall submit the same CDCR Form 602, filling out Section D, to the appeals coordinator. The appeals coordinator shall forward the CDCR Form 602 within five working days of receipt to the case records supervisor/manager. The case records supervisor/manager shall date stamp and log the appeal on the CDC Form 1059, Computation Review Hearing Log.

54100.29.3 Second Level

The case records supervisor/manager shall schedule the computation review hearing, which shall be held within 15 working days of receipt of the CDCR Form 602. The case records supervisor/manager shall send two copies of the CDC Form 1031, Notice of Time, Date and Place of Computation Review Hearing, to the inmate or parolee who shall be notified at least 24 hours prior to the hearing unless the inmate or parolee waives the time constraints. The counselor or designated staff shall immediately return the signed original to the case records staff for logging on the CDC Form 1059. The case records supervisor/manager shall research the case, taking into consideration all case law and department policy and procedures.

54100.29.4 Hearing

The case records supervisor/manager shall conduct the hearing during the inmate’s non-assigned hours.

- Other staff designated by the institution/parole administration may attend this hearing. Location of the hearing shall be at the discretion of local authorities.
- It may be necessary to conduct the computation review hearing by telephone for those inmates housed in camp, other jurisdictions and parolees.
- If so, the completed notice of time, date, and place of computation review hearing shall reflect that the inmate/parolee was advised of the time of the hearing by telephone or other means.

If it is determined an error has been made, the case records manager/supervisor shall grant the appeal and correct the error.

- At the conclusion of the hearing, two completed copies of the CDC Form 1033, Computation Review Hearing Decision, shall be made. A completed copy shall be given to the inmate.
- At the conclusion of a computation review hearing conducted by telephone, the inmate/parolee shall be advised of the decision and that a completed computation review hearing decision shall be mailed that day.

If the appeal is a matter that the Department has no authority to change, the appeal shall be denied. The appellant will be referred to the appropriate agency or court with jurisdiction of the matter for disposition. If the appeal is a sentencing discrepancy of which the Department seeks clarification from the sentencing court, the appeal shall be partially granted to the extent that an inquiry is being pursued and the Department shall pursue clarification of the noted discrepancy from the appropriate court.

54100.29.5 Electronic Records Management System (ERMS)

The CDCR Form 602 and the original CDC Form 1033, Computation Review Hearing Decision shall be sent to the appeals coordinator for processing.

Upon completion of processing, a copy of the CDCR Form 602 and the CDC Form 1033 shall be forwarded to Case Records along with the CDC Form 1031, Acknowledgement of Receipt and the CDC Form 1032, Notice of Time, Date, and Place of Computation Review Hearing for placement into the ERMS.

54100.30 Joint Venture Program (JVP) Employer Related Grievances

The Department’s participation in the Joint Venture Program is authorized pursuant 15 CCR §§ 3480-3486. Any current or former Joint Venture inmate-employee who believes he or she has a grievance regarding a wage and hour or retaliation claim against a JVP employer shall submit the written grievance to the JVP Chief.

- The JVP Chief shall attempt to resolve all complaints.
- Time frames for filing grievances will be governed by the Division of Labor Standards Enforcement’s (DLSE) statutes of limitations, including but not limited to, Labor Code §98.7, and Code of Civil Procedure §§337, 338 and 339, for the appropriate type of complaint.
- If the inmate is dissatisfied with the JVP Chief’s decision, the inmate may file a complaint with the Labor Commissioner.

54100.31 Appeals Reports

Institution and parole region appeals coordinators shall prepare and provide reports upon request. These appeal reports may include appeal types, outcomes, volume, and similar statistical results of appeal actions.

As necessary, the Office of Appeals shall audit and compile this data in reports distributed to departmental administrators, the courts, and other jurisdictions or agencies.

54100.32 Revisions

The Director, Division of Adult Institutions, in conjunction with the Director, Division of Adult Parole Operations, or designee shall ensure that the content of this Article is accurate and current.

54100.33 References


PC §§ 148.6, 832.5, 832.7, 832.8, 3003(a), 5054, 5058, 5058.4(a) 10006(b).

GC §§ 956.5, 965, 3300-3313, 19570-19575.5, 19583.5(a), and 19635.


LC §§98.7, 6304.3.

CRR Title 15 §§ 3084 and 3086, 3138, 3190-3195, 3220.4, 3268-3268.2, 3312, 3314, 3318, 3320, 3326, 3376.1, 3383, 3480-3486.

CCR Title 8 §§ 344.40, 344.41, 344.42, 344.43.

Operations Manual  DEPARTMENT OF CORRECTIONS AND REHABILITATION  Chapter 5


Vasquez v. State of California, 105 Cal.App.4th 849 (2003) as implemented by the Stipulated Injunction and Order entered by the Superior Court of San Diego County in Case No.GIC-740832.


ARTICLE 54 — INVESTIGATION OF GASSING INCIDENTS  Effective June 23, 2005

54110.1  Policy
The Department shall implement and maintain a protocol for the investigation of gassing incidents in order to establish the elements of PC 4501.1(b) and successfully prosecute crimes under this Statute.

54110.2  Purpose
This Article delineates the roles and responsibilities of staff involved in the investigation of gassing incidents.

54110.3  Definition of Gassing
Gassing, as defined by PC 4501.1(b), means "...intentionally placing or throwing, or causing to be placed or thrown, upon the person of another, any human excrement or other bodily fluids or bodily substances or any mixture containing human excrement or other bodily fluids or bodily substances that result in actual contact with the person’s skin or membranes."

Pursuant to Penal Code Section 4501.1(a), a "...person confined in state prison who commits a battery by gassing upon the person of any peace officer, as defined in Penal Code Chapter 4.5 (commencing with Section 830) of Title 3 of part 2, or employee of the state prison is guilty of aggravated battery."

Hereinafter, inmate/parolee will be referred to as inmate unless specifically identified otherwise by references to the PC.

54110.4  Initial Response
As soon as possible, the victim should attempt to determine if the substance was a gassing substance such as urine, feces, sputum, blood, semen, etc. This determination is accomplished by the victim noting the odor, color, and texture of the substance and any chemical reactions, etc. The victim does not have to examine the substance that was thrown on them. Rather, as soon as practical, the victim should either relay their impression of what the substance was to the officers assigned to investigate the gassing or include it in their report.

The victim’s clothing that is contaminated by the gassing substance is evidence. As soon as practical, the clothing should be relinquished by the victim, replaced with an available garment, and any stains that appear to be from the gassing substance should be outlined with a black permanent ink marker to assist laboratory personnel to locate the source on the clothing. The stains should also be photographed while they are still wet. Caution should be taken to ensure that separate stains on the clothing articles do not touch each other. Staff are advised to practice universal precautions and wear proper protective clothing when handling the clothing, as well as, to maintain the chain of custody of the clothing item.

Every effort should be made to obtain a statement or report from the victim regarding what they observed including, but not limited to:

- What the suspect stated before, during, and after the gassing.
- The type of container, if any, used by the suspect to commit the gassing.
- The actions of the suspect both before and after the gassing.

Any admissions or inculpatory statements made by the suspect that were overheard by the victim can be critical in achieving a successful prosecution.

Any employee that comes into contact with a human body fluid, as recognized by the Centers for Disease Control and Prevention, will be evaluated by appropriately licensed and trained medical staff. The medical evaluation will take priority over the collection of evidence, report writing, or other non-emergency issues or duties. The requirement to fill out paper work or receive paper work relating to the incident will not delay the employee from seeking offsite medical care.

The inmate suspect(s) should be removed from their cell or area where the attack occurred and searched for evidence. Any clothing items worn by the suspect(s) that appear to be stained with the same substance as thrown on the victim should be marked, photographed, and collected in the same manner as the victim’s clothing. The suspect(s) should be placed in a secure holding cell and a crime scene search should be initiated. If there is more than one suspect, they should be separated immediately.

54110.5  Handling of Evidence
Any clothing item contaminated with body fluids should be dried and then stored in clean paper bags. Transport or shipment of the evidence items to the laboratory conducting the testing should be expedited.

When collecting articles of clothing as evidence, each article is to be placed into a separate paper bag. Protective gloves should be changed each time a separate article of clothing is handled to prevent cross contamination of evidence items. Each evidence bag must be properly identified with the date, time, case number, charge, suspect name and CDC number, and victim name. Each evidence item can be marked with the finder’s initials and the date the item was obtained.

If there is any information that the substance used in the gassing contains a communicable disease, the laboratory personnel who are testing the substance should be made aware of this information. This information will help to ensure the safety of the laboratory personnel testing the substance and will also help in isolating and identifying the suspect.

Evidence should be submitted to the appropriate California Department of Justice, Bureau of Forensic Services, laboratory that other evidence is submitted to as per each institution/facility Investigative Services Unit (ISU).

54110.6  Crime Scene Investigation
The staff investigating a crime scene where a gassing has occurred should ensure they are wearing proper protective equipment, such as gloves. The outer door of the cell or the general area where the gassing occurred should be photographed. Any areas on the door, door opening, or general area that appear to be contaminated with the same substance that was thrown on the victim should also be photographed. If the crime scene is a cell, the door of the cell should be opened and photographed as discovered. A search for any container used by the suspect to commit the gassing should be initiated, and if discovered, should be photographed in place and collected and processed as evidence.

Investigating staff should look for traces of the gassing substance on the floor, walls, or any other surface where the substance may be located to be photographed and for the purpose of collecting samples. When collecting samples, staff should use sterile swabs, and should also take a “control” swab of an apparent uncontaminated area adjacent to the area contaminated by the gassing substance prior to taking a swab of the suspected gassing substance. The control swab and the contaminated swab should also be processed as evidence. All evidence must follow an appropriate chain of custody and be retained in an evidence locker maintained by the ISU for possible future criminal prosecution.

54110.7  Employee Considerations
In the event of a possible exposure to body fluids, the CDC Exposure Control Plan and any local institutional procedures regarding the exposure to human body fluids or blood should be followed. The health and welfare of the victim must be given priority. The medical evaluation of the employee should take precedence over collection of evidence, report writing, or other non-emergency issues or duties. The employee Post Trauma Program should be offered to the victim along with referrals to the Employee Assistance Program, as needed.

The employee’s supervisor will be responsible for filling out and/or collecting the following documents:

- Employees Claim for Workers Compensation Benefits.

PC 4501.1(c) establishes that the Chief Medical Officer (CMO), or their designee can order an inmate to receive an examination or test for hepatitis and/or tuberculosis on a voluntary or involuntary basis, if there is probable cause to believe the inmate has committed a crime under this Section and the test is medically necessary to protect the health of the officer or employee who was the victim of the violation. Following a potential exposure to a blood borne pathogen, an employee will immediately be told by the Warden, Administrative Officer of the Day, or Watch Commander if the medical staff have evidence indicating that the inmate has Human Immunodeficiency Virus or any other communicable disease, such as Hepatitis B or C.

PC 7510-7515 establishes procedures for the requirement that employees report possible exposure to body fluids from inmates or parolees; employees may request that the inmate or parolee be tested for the HIV virus. This
request should be made in writing, in the form of a report of exposure, and submitted to the CMO within two days after the incident. The CMO may waive this filing period requirement if it is determined that good cause exists.

If an employee’s garment has been contaminated with a potential blood borne pathogen and not retained for criminal prosecution, the employee will be provided an alternate garment to wear and afforded an opportunity to shower. Additionally, the contaminated garment will be cleaned at Department expense and returned to the employee within 30 calendar days of the incident. If a garment has been contaminated with a potential blood borne pathogen and retained as evidence for criminal prosecution, the employee will be reimbursed by the institution for the cost of the garment within 60 calendar days of the incident. CDCR Form 892, Employee Claim for Loss or Damage of Personal Property, should be used by the employee for reimbursement.

54110.8 Suspect Interviews
The suspect(s) is to be interviewed with a tape recording made of the interview. As the interview constitutes a custodial interrogation, the suspect(s) must be advised of their Miranda Rights before questioning. If there is more than one suspect, they are to be interviewed separately. During the interview an attempt should be made to establish the elements of the crime including, but not limited to, the type of substance thrown, how the suspect(s) obtained the substance, how the substance was delivered to the victim, how the suspect(s) planned and carried out the gassing, and motive for the gassing. The investigator should make every effort to obtain an admission, or as much information as possible, from the suspect(s) in order to establish culpability.

54110.9 Filing Considerations
The penalty for violation of PC 4501.1 is imprisonment in the county jail, or imprisonment in the state prison system for up to 4 years. Further, inmates who commit gassings can also be charged under the provisions of PC 4501.5, Battery by Prisoner on Non-confined Person, with a penalty of up to 4 years in the state prison system to be served consecutively. Each institution/facilities ISU should confer with their local District Attorney’s Office to determine the most appropriate statute to charge an inmate who has committed this crime.

54110.10 Revisions
The Deputy Director, Office of Occupational Safety, Field Support, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

54110.11 References
PC §§ 4501.1, 4501.5.
PC §§ 7510-7515.
PC §§ 830 and following.
CCR (15)(3) §§ 3315 and 3323.