



Department of Corrections and Rehabilitation NOTICE OF CHANGE TO REGULATIONS

Sections:	NCR Number:	Publication Date:	Effective Date:
3000, 3375, 3376.1, 3377.2, and 3379	22-11	July 22, 2022	TBD

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed amendment of Sections 3000, 3375, 3376.1, 3377.2, and 3379 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding the California Out-of-State Correctional Facility Program.

PUBLIC COMMENT PERIOD

The public comment period will close on **September 9, 2022**. Any person may submit written comments about the proposed regulations by mail to the California Department of Corrections and Rehabilitation (CDCR), Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001 or by e-mail to RPMB@cdcr.ca.gov. All written comments must be received or postmarked no later than **September 9, 2022**.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held on September 9, 2022, from 10:00 a.m. to 11:00 a.m. in conference room 128N, located at 1515 S Street, Sacramento, CA 95811. The purpose of the hearing is to receive comments about these proposed regulations. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written comments submitted during the prescribed comment period are given the same significance and weight as oral comments presented at the hearing. This hearing site is accessible to the mobility impaired.

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to inmates, parolees, and employees in each Department facility and field office not later than five calendar days after receipt. Also, institutions and facilities shall make this Notice available for review by inmates in segregated housing who do not have access to the posted copies, and shall distribute it to inmate law libraries and advisory councils. CDCR Form 621-A (Rev. 05/19), Certification of Posting, shall be returned to RPMB by mail or email. See Department Operations Manual Section 12010.6.7 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Renee Rodriguez, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (916) 445-2220, or e-mail to RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Carolyn Flores, Contract Beds Unit, at (916) 341-6935.

Original signed by

JEFF MACOMBER
Undersecretary, Operations
California Department of Corrections and Rehabilitation

Attachments

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Sections 3000, 3375, 3376.1, 3377.2, and 3379 into Title 15, Division 3, Chapter 1, regarding the California Out-of-State Correctional Facility Program.

PUBLIC COMMENT PERIOD

The public comment period begins **July 22, 2022** and closes on **September 9, 2022**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

Renee Rodriguez
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Telephone: (916) 445-2269
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Program Contact

Carolyn Flores
Telephone: (916) 341-6935

PUBLIC HEARING

Date and Time: **September 9, 2022- 10 a.m. to 11 a.m.**
Place: Department of Corrections and Rehabilitation
Conference Room 128N
1515 S Street – North Building
Sacramento, CA 95811

AUTHORITY AND REFERENCE

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

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refer to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of regulation on an emergency basis.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The department proposes to amend Sections 3000, 3375, 3376.1, 3377.2, and 3379 of the California Code of Regulations (CCR), Title 15, Division 3 regarding the California Out-of-State Correctional Facilities (COCF) Program.

In April of 2011, the passage of Assembly Bill 109 (AB109) established the California Public Safety Realignment Act of 2011, which allows for current non-violent, non-serious and non-sex offenders to be supervised at the local county level after they are released from California State prison. It was developed to meet the order of the Three-Judge Panel, which was upheld by the United States Supreme Court in 2011 to reduce the prison population. Additionally, AB109 mandated that individuals sentenced to non-serious, non-violent, or non-sex offenses serve their sentences in county jails instead of state prison.

In November 2016, California voters passed Proposition 57, known as the Public Safety and Rehabilitation Act of 2016. Since the passage of Proposition 57, CDCR has incentivized inmates to take responsibility for their own rehabilitation by providing credit-earning opportunities for sustained good behavior, as well as in-prison program and activities participation.

As of July 1, 2019, due to the implementation of AB 109 and Proposition 57, and the reduction in the prison population, the use of out-of-state facilities program is no longer needed. Accordingly, the department closed all COCF programs.

This action will:

Amend the CCR, Title 15 to reflect that the California Out-of-State Facility Program is no longer needed and the department has closed all COCF programs, because of the reduction in the prison population due to the implementation of AB 109 and Proposition 57.

DOCUMENTS INCORPORATED BY REFERENCE

None

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulatory action will align the regulations with department's current practice as the COCF program has been closed and no longer exists. Additionally, by eliminating the COCF program and affected regulations, California tax dollars and jobs will remain within the state of California and further provide savings to taxpayers as realized in the Fiscal Year 2019-2020 Governor's Budget.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern the California Out-of-State Correctional Facilities (COCF).

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

- Cost or savings in federal funding to the state:

None

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small businesses because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on worker safety or the state's environment. The closure of out-of-state facilities may benefit the welfare of the prison population and their families, as it will be easier for family and friends to visit, which is conducive to rehabilitation, thereby reducing recidivism.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

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

TEXT OF PROPOSED REGULATIONS

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

Title 15. Crime Prevention and Corrections

Division 3. Adult Institutions and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions.

Section 3000 is amended to read:

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~~California Out-of-State Correctional Facility (COCF). The COCF is a program through which male CDCR inmates are transferred to out-of-state correctional facilities that have contracted with the CDCR to provide housing, security, health care and rehabilitative programming services to CDCR inmates.~~

*

Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 7000 et seq., 11180 and 11191, Penal Code; Sections 1132.4, 1132.8, and 1203(b)(1), Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

Subchapter 4. General Institution Regulations

Article 10. Classification

3375. Classification Process.

Subsection 3375(a) through (g)(5)(S) remain unchanged.

Subsections 3375(g)(6) through (g)(6)(B) are deleted.

~~(6) Documentation for each classification committee review for transfer to the COCF program shall include the case factors listed in 3375(g)(5) and;~~

~~(A) Attorney consultation.~~

~~(B) Conviction history.~~

Subsections 3375(h) through 3375(l) remain unchanged.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.8, 3020, 5054, 5068 and 11191, Penal Code; Sections 8550 and 8567, Government Code; and Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Wright v. Enomoto* (1976) 462 F.Supp. 397; *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302; and *Castillo v. Alameida*, et al., (N.D. Cal., No. C94-2847).

3376.1 Departmental Review Board.

Section 3376.1, opening statement through 3376.1(d)(4) remain unchanged.

Subsection 3376.1(d)(5) amended to read:

(5) An out-of-state or federal prison placement is recommended by the institution classification committee for a Western Interstate Corrections Compact (WICC), PC Section 11190, an Interstate Corrections Compact (ICC), PC Section 11189, or a Federal Placement, PC Section 2911. ~~A California Out of State Correctional Facility (COCF) transfer shall not require a DRB review or institution classification committee action.~~

Subsections 3376.1(d)(6) through 3376.1(i) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 5068 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Sandin v. Connor* (1995) 515 U.S. 472; and *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146.

3377.2. Criteria for Assignment of Close Custody.

Subsections 3377.2(a) through (a)(4) remain unchanged.

Subsection 3377.2(a)(5) amended to read:

(5) A period of time during which an inmate is not in the custody of the Department, as defined in Section 3000, shall not count toward fulfilling the required minimum time period to be served at Close Custody as established in Section 3377.2(b) ~~with an exception granted for inmates housed at a California Out of state Correctional Facility (COCF).~~

Subsections 3377.2(a)(6) through (c)(5) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Americans With Disability Act (ADA)*, 42 U.S.C. § 12131, et seq.; and *Pennsylvania Department of Corrections v. Yeskey* (1998) 524 U.S. 206.

3379. Inmate Transfers

Subsections (a) through (a)(8) remain unchanged.

Subsections (a)(9)(A) through (a)(9)(I) are deleted.

~~(9) California Out of State Correctional Facility (COCF) Transfers. Every male inmate is potentially eligible for a COCF transfer. Every male inmate shall be reviewed for transfer eligibility to the COCF program during Reception Center processing, at initial classification committees, and at any classification committee when any temporary ineligibility for COCF transfer has been resolved. COCF transfers may occur voluntarily or involuntarily.~~

~~(A) Eligibility. A CDCR male inmate is eligible to be transferred to COCF if the inmate:~~

- ~~1. Has remaining time to serve of no less than 6 months and no more than 30 years at the time of CSR endorsement.~~
- ~~2. Is Security level I-III.~~
- ~~3. Has a degree of custody established at or potentially eligible for Medium A, Medium B or Close Custody.~~

~~(B) Ineligibility. A CDCR inmate is ineligible to be transferred if:~~

- ~~1. The inmate has a custody designation level established at or is potentially eligible for Minimum A or Minimum B.~~
- ~~2. In CDCR's discretion, considerations such as disciplinary history, security concerns, or other case factors make the transfer of an inmate inappropriate.~~

- ~~(C) Any California inmate who volunteers or is notified that he is eligible for involuntarily transfer to COCF shall be informed of the opportunity to seek legal consultation with an attorney:~~
- ~~1. Prior to the completion of the Institutional Staff Recommendation Summary (ISRS) for Reception Center inmates.~~
 - ~~2. Prior to a classification committee for non-Reception Center inmates.~~
 - ~~3. Inmates shall have the ability to waive the attorney consultation.~~
- ~~(D) The notification of eligibility, and the notification of opportunity for attorney consultation and interpreter needs, shall be documented on the CDC Form 128-B (Rev 4/74), General Chrono.~~
- ~~(E) The information regarding the attorney consultation or waiver of such consultation by the inmate shall be documented:~~
- ~~1. At the Reception Centers, on the ISRS.~~
 - ~~2. For all non-Reception Center inmates, on the CDC Form 128-G (Rev. 10/89), Classification Chrono.~~
- ~~(F) Voluntary Transfer. An inmate who is eligible for transfer to COCF and volunteers for such a transfer shall sign a CDCR Form 2169 (Rev. 8/08), Out Of State Placement Agreement, which is hereby incorporated by reference. Notwithstanding subdivision (a)(6), COCF inmates are not required to sign a CDC Form 294 (Rev. 7/88). Upon notification of potential involuntary transfer, inmates shall no longer be eligible for voluntary transfer.~~
- ~~1. An inmate who volunteers for transfer to COCF may waive his opportunity to consult with an attorney by signing a CDCR Form 2168 (Rev. 08/08), Attorney Waiver Statement, which is hereby incorporated by reference.~~
 - ~~2. Inmates with serious medical or dental conditions as determined by designated Health Care staff, or inmates having any other applicable serious medical condition which appropriately designates them under the supervision of the medical Receiver may volunteer for a COCF transfer upon executing written consent. Those inmates who are presently within the Mental Health Services Delivery System at any level of care may not volunteer for a COCF transfer even upon executing written consent, until and unless their transfer is permitted by court order. An inmate for whom appropriate care out of state is available and for whom such transfer will not have a detrimental impact on the healthcare needs of the inmate, and who has executed written consent to transfer to COCF, will be considered for transfer on a case-by-case basis by designated Health Care staff.~~
- ~~(G) Involuntary Transfer. An inmate is not eligible for involuntary transfer if:~~
- ~~1. The inmate has a serious medical or dental condition as determined by designated Health Care Staff, or the inmate has a serious medical condition as determined by designated Health care Staff operating as applicable under the supervision of the medical Receiver.~~
 - ~~2. The inmate has a serious mental disorder as defined by the class certification order (executed October 23, 1991) and Revised Program Guide (2009 Revision, Chapter 1, Section D.1., page 12-1-6) of Coleman v. Schwarzenegger and who is a present member of the Mental Health Services Delivery System at any level of care.~~
 - ~~3. The inmate is a class member under the federal court decree in Clark v. Schwarzenegger at the level of DD1, DD2 or DD3.~~
 - ~~4. The inmate is a class member under the federal court decree in Armstrong v. Schwarzenegger and has a medical condition related to a disability that renders extended travel unsafe and/or requires active medical intervention.~~
 - ~~5. The inmate is a class member under the federal court decree in Armstrong v. Schwarzenegger and cannot perform daily living tasks including eating, dressing, and hygiene without personal assistance. Inmates in this group may be housed in Outpatient Housing Units or medical facilities. Inmates who merely require assistance such as another person to carry a tray at meals or read written documents are specifically not excluded from transfer.~~
 - ~~6. The inmate is a class member under the federal court decree in Armstrong v. Schwarzenegger and is on dialysis.~~
- ~~(H) Involuntary transfer priorities include but are not limited to the following:~~
- ~~1. Inmates who have been previously deported by the federal government and are criminal aliens subject to immediate deportation; or have been convicted of an aggravated felony as defined by~~

~~federal statute 8 USC section 1101(a)(43) and are subject to deportation. Inmates in these groups are eligible for involuntary transfer when they have an active hold placed by Immigration and Customs Enforcement (ICE) or they have been referred to ICE by CDCR for a determination of whether ICE will place an active hold on them.~~

~~2. Inmates who are paroling outside of California.~~

~~3. Inmates who are unassigned and had no visit with an immediate family member as defined in Section 3000 during the one year period prior to the date that the eligibility list with the inmate's name is generated.~~

~~4. Inmates in any job assignment, as determined by CDCR, and had no visit with an immediate family member during the one year period prior to the date that the eligibility list with the inmate's name is generated.~~

~~5. Inmates who are unassigned. Visiting history will not affect a transfer decision.~~

~~6. Inmates in any job assignment, as determined by CDCR. Visiting history will not affect a transfer decision.~~

~~7. Any other inmate who is not in any of the groups above but is potentially eligible for a COCF transfer.~~

~~(l) Inmates transferred to a COCF program remain under the legal custody of the CDCR and shall be subject to the rules, rights and privileges of the CDCR in accordance with the California Code of Regulations (CCR), Division 3, Title 15.~~

Subsections (b) through (d)(4) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2911, 5025, 5054, 5068, 5080 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Armstrong v. Schwarzenegger*, United States District Court, N.D. Cal., No. C-94-2307 CW, Stipulation and Proposed Order issued November 30, 2006; *Coleman v. Schwarzenegger*, United States District Court, E.D. Cal., No. CIV-S-90-0520 LKK JFM P, Order issued November 6, 2006; and *Whitaker v. Rushen* (9th Cir. 1983) 720 F.2d 1132, 1135.

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR or the department) proposes to amend Sections 3000, 3375, 3376.1, 3377.2, and 3379 of the California Code of Regulations (CCR), Title 15, Division 3 regarding the California Out-of-State Correctional Facilities (COCF) Program.

The COCF program, which housed CDCR inmates in contracted prisons outside of California, was established in 2006 pursuant to an emergency declaration by Governor Schwarzenegger due to high crowding levels within CDCR and concerns that intake from county jails would need to be suspended if CDCR ran out of available beds. In 2009, CDCR was mandated by a Three-Judge Panel to reduce the number of inmates statewide to 137.5 percent of design capacity. Placement of inmates at COCF continued up to and after the order of the Three-Judge Panel was upheld by the United States Supreme Court in 2011. The CCR, Title 15 was updated accordingly to provide direction regarding the placement of inmates housed in contracted out-of-state prisons. The objective was to reduce the in-state adult prison population in California to 137.5 percent of design capacity in accordance with the court order.

In April of 2011, the passage of Assembly Bill 109 (AB109) established the California Public Safety Realignment Act of 2011, which allows for non-violent, non-serious and non-sex offenders to be supervised at the local county level, after they are released from a California State prison. It was developed to meet the court order to reduce the prison population. Additionally, AB109 mandated that individuals sentenced to non-serious, non-violent, or non-sex offenses serve their sentences in county jails instead of state prisons.

In November 2016, California voters passed Proposition 57, known as the Public Safety and Rehabilitation Act of 2016. Since Proposition 57, CDCR has incentivized inmates to take responsibility for their own rehabilitation by providing credit-earning opportunities for sustained good behavior, as well as in-prison program and activities participation.

As of July 1, 2019, due to the implementations of AB 109 and Proposition 57, the prison population has reduced, and the use of out-of-state facilities program is no longer needed. Accordingly, the department closed all COCF programs. This CCR, Title 15 revision is needed to reflect these changes.

CONSIDERATION OF ALTERNATIVES:

The department has made an initial determination that no reasonable alternatives considered, or that has otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Currently, no reasonable alternatives have been brought to the attention of the department that would alter the department's initial determination.

ECONOMIC IMPACT ASSESSMENT:

The department determined that there will be no economic impact from the proposed regulations. In accordance with Government Code Section 11346.3(b), CDCR has made the following assessment regarding the proposed regulations.

Significant Adverse Economic Impact on Business

The department has made an initial determination the proposed regulations will not have a significant statewide adverse economic impact on business, as this program held contracts with out-of-state vendors.

Creation of New or the Elimination of Existing Jobs within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing, jobs within California. The proposed regulations place no requirements or restrictions on businesses inside or outside of California, as they affect only the internal management of CDCR institutions.

Creation of New, Expansion or the Elimination of Existing Businesses Currently Doing Business within the State of California

The department has determined the proposed regulations will have no impact on the creation of new businesses or the elimination of existing businesses within California. The proposed regulations affect the internal management of prisons only, and place no requirements or restrictions upon businesses.

BENEFITS OF THE REGULATIONS:

The proposed regulatory action will align the regulations with department's current practice as the COCF program no longer exists. Additionally, by eliminating the COCF program and affected regulations, California tax dollars, and jobs will remain within the state of California and further provide savings to taxpayers as realized in the Fiscal Year 2019-2020 Governor's Budget.

MATERIALS RELIED UPON:

The department, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE 11346.2(b)(1):

Division 3. Rules and Regulations of Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

Sections 3000 is amended to remove the COCF definition, due to the closure of the program.

Subchapter 4. General Institution Regulations
Article 10. Classification
Section 3375 Classification Process

Subsections 3375(a) through (g)(5)(S) remain unchanged.

Subsections 3375(g)(6) through (g)(6)(B) are deleted as there is no longer a need for COCF documentation since the program was closed and is no longer in operation. Accordingly, staff are no longer required to screen and process paperwork to transfer inmates to out-of-state facilities.

Subsections 3375(h) through 3375(l) remain unchanged.

Section 3376.1 Departmental Review Board

Section 3376.1, opening statement through 3376.1(d)(4) remain unchanged.

Subsection 3376.1(d)(5) is amended to remove the verbiage regarding COCF due to the program closure.

Subsections 3376.1(d)(6) through 3376.1(i) remain unchanged.

Section 3377.2 Criteria for Close Custody

Subsections 3377.2(a) through (a)(4) remain unchanged.

Subsection 3377.2(a)(5) is amended to remove COCF verbiage regarding an exception granted for inmates housed at a COCF because of COCF program closure.

Subsections 3377.2(a)(6) through (c)(5) remain unchanged.

Section 3379 Inmate Transfers

Subsections (a) through (a)(8) remain unchanged.

Subsections 3379(a)(9)(A) through (a)(9)(I) are repealed as there is no longer a need for COCF verbiage due to program closure.