

**REGULATION AND POLICY MANAGEMENT BRANCH**

P.O. Box 942883  
Sacramento, CA 94283-0001



October 16, 2023

**NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED**

Pursuant to the provisions of Government Code Section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations (CCR), the California Department of Corrections and Rehabilitation (CDCR or the department) hereby provides notice of proposed changes made to CCR Sections regarding Visiting. The department proposes to amend sections 3173.2 and 3176, and CDCR Form 888 within the CCR, Title 15, Division 3, Chapter 1.

You are receiving this notice because you provided comments or expressed an interest in receiving notice of changes to the proposed regulations concerning Visiting.

Notice of Change to Regulations 23-05 was noticed to the public on June 23, 2023. The full text of the originally proposed amendments is shown in its original single underline and ~~strikethrough~~ format. The changes provided in this Notice of Change to Text as Originally Proposed are indicated by **bold double underline** for additional added text, and ~~**bold double strikethrough**~~ for additional deleted text to the originally proposed text, and are also indicated as described below for changes to the CDCR Form 888. Only those comments relating directly to the amendments indicated by **bold double underline** or ~~**bold double strikethrough**~~, or as described below for the CDCR Form 888, will be considered.

In the attached text:

Subsection 3173.2(c)(3)(G) is amended to provide a new revision date for the CDCR Form 888, due to revisions to the form.

Subsection 3173.2(d)(7) is amended to provide clarification that the visitor's body will not be touched during the unclothed body search.

Subsection 3176(b) is amended to include the name and revision date of the CDCR Form 887-B, and to provide language incorporating the form by reference, for clarification purposes.

**Revisions to CDCR Form 888, Notice of Request for Search:**

After further review, the department determined that additional revisions to the CDCR Form 888 were necessary for clarity and corrective purposes. Revisions to the CDCR Form 888 are as follows:

- In the third paragraph, last sentence, which reads "This search shall be conducted in a private setting and by staff members of the same sex as the adult or minor

visitor” the word “sex” is replaced with “gender” for more appropriate wording used in today’s culture.

- In the language next to the check box for refusing the search of a minor, which states “I understand by refusing the search, we will be foregoing the visit today” language is revised to state “I understand by refusing the search, the minor will be foregoing the visit today.” This revision allows for the adult visitor to continue visiting should they have someone to care for the minor, and should they clear the search process.

Due to an inadvertent error, the prior versions of the CDCR Forms 888 and 887-B were not included in the initial Notice to the Public. These forms, which are being deleted due to the forms now being revised, are included for reference purposes to compare the previous versions with the new versions.

For reference purposes, both the CDCR Forms 888 and 887-B are enclosed in this 15-Day Re-Notice, however there were no changes to the CDCR Form 887-B since the initial Notice to the Public. The previously noticed CDCR Form 888 (Rev. 03/23) is also enclosed for reference purposes to compare the previously noticed version (Rev. 03/23) with the new proposed version (Rev. 09/23).

The comment period on these changes shall close on **October 31, 2023**. Please submit comments to Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; fax to (916) 324-6075; or e-mail to [rpmb@cdcr.ca.gov](mailto:rpmb@cdcr.ca.gov) before the close of the comment period. Only those comments relating directly to the enclosed changes indicated by **bold double underline** or ~~**bold double strikethrough**~~, or as described for the CDCR Form 888, will be considered will be considered.



Ying Sun, Associate Director  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation

Attachment(s)

## 15-DAY RE-NOTICE TEXT OF PROPOSED REGULATIONS

In the following, bold double underline indicates additional text and ~~bold-double strikethrough~~ indicates additional deleted text to the originally proposed text presented in the original single underline and strikethrough format.

### California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

#### Chapter 1. Rules and Regulations of Adult Operations and Programs

#### Subchapter 2. Inmate Resources

#### Article 7. Visiting

#### 3173.2. Searches and Inspections.

**[Subsections 3173.2(a) through 3173.2(c)(3)(F) are unchanged.]**

**[Subsection 3173.2(c)(3)(G) is amended to read:]**

(G) All requests for unclothed/ or clothed body searches, the reason for the request, and specific facts on which the search is based shall be documented on CDCR Form 888 (Rev. ~~04/15~~ ~~03/23~~ 09/23), Notice of Request for Search, which is incorporated by reference. This form shall include the subject's name, date, all information regarding the reason(s) for the search excluding any confidential information, and the signature of the person authorizing or refusing the to be searched. Should the visitor refuse to be searched or in instances where drugs or contraband are discovered, a CDCR Form 887-B (~~04/03~~ Rev. 02/23), Notice of Visitor Warning/Termination/Suspension/Denial/Revocation, which is incorporated by reference, shall be completed. This form shall specify the reason(s) for the denial of visiting and time frames for which the denial/ or suspension are in effect.

**[Subsections 3173.2(c)(4) through 3173.2(d)(6) are unchanged.]**

**[Subsection 3173.2(d)(7) is amended to read:]**

(7) Unclothed body search: An unclothed body search is a security procedure that involves visual inspection of a person's body and body cavities with all of their clothing removed and a thorough inspection of the person's clothing for the purpose of detecting contraband. The visitor's body will not be touched during the unclothed body search. This procedure ~~may~~ shall be conducted with the visitor's consent and when there is a reasonable suspicion that the visitor is may be carrying contraband and when no less intrusive means are available to conduct the search.

**[Subsections 3173.2(e) through 3173.2(i) are unchanged.]**

**[Subsection 3173.2(i)(1) is renumbered as (j), and is amended to read:]**

(4j) The inmate and the visitor who refused to be searched shall be notified in writing as described in section 3176(a)(3)(b).

**[Subsection 3173.2(i)(2) is renumbered as 3173.2(j)(1), and is amended to read:]**

(2j) Future visits may be conditioned upon the visitor's willingness to submit to a search prior to each visit for as long as institution/ or facility officials have reasonable suspicion to believe that the visitor ~~will~~ is attempting to introduce contraband or unauthorized substances into the institution/ or facility.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 4573, 4573.5, 4576, 5054 and 6402, Penal Code.

**Section 3174. Standards of Dress for Inmate Visitors.**

**[Subsections 3174(a) through 3174(b)(3) are unchanged, but are shown for reference purposes.]**

(a) Visitors are expected to dress appropriately and maintain a standard of conduct during visiting that is not offensive to others. Consistent with the goal of making visiting a safe, positive, constructive time for families and staff, the following standards shall apply:

(1) Visitors shall remain fully clothed at all times in the visiting room.

(2) Appropriate attire includes undergarments; a dress or blouse/shirt with skirt/pants/ or shorts; and shoes or sandals.

(3) For security reasons, no brassiere will have metal underwires.

(b) Prohibited attire consists of:

(1) Clothing that resembles state-issued inmate clothing worn to visiting (blue denim or blue chambray shirts and blue denim pants);

(2) Clothing that resembles law enforcement or military-type clothing, including rain gear, when not legitimately worn by an individual on active duty or in an official capacity.

(3) Clothing or garments that:

**[Subsection 3174(b)(3)(A) is amended to read:]**

(A) Expose the breast/ or chest area, genitals or buttocks;

**[Subsections 3174(b)(3)(B) through 3174(b)(3)(E) are unchanged, but are shown for reference purposes.]**

(B) By design, the manner worn, or due to the absence of, excessively allows the anatomical detail of body parts or midriff to be clearly viewed;

(C) Are sheer, transparent or excessively tight;

(D) Expose more than two inches above the knee, including slits when standing.

(E) Undergarments shall be worn beneath translucent clothing, under all circumstances.

**[Subsection 3174(b)(4) is amended to read:]**

(4) Clothing or accessories displaying ~~obscene~~ sexualized, violent, or offensive language, drawings or objects.

**[Subsections 3174(b)(5) through 3174(b)(6) are unchanged.]**

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

**Section 3176. Denial, Restriction, Suspension, Termination or Revocation of Visits and Exclusion of a Person.**

**[Section 3176 initial paragraph is unchanged.]**

**[Subsection 3176(a) is amended to read:]**

(a) The official in charge of visiting may deny an approved visitor access to an institution/or facility, terminate, or restrict a visit in progress for the following reasons:

**[Subsections 3176(a)(1) through 3176(a)(2) are unchanged.]**

**[Subsection 3176(a)(3) is amended to read:]**

(3) The visitor refuses to submit to a search ~~and~~ or inspection of ~~his/her~~ their person, property, or vehicles ~~and property~~ brought onto the institution/or facility grounds.

**[Subsection 3176(a)(3)(A) is amended to read:]**

(A) Visitors who refuse to submit to an unclothed body search, where ~~probable cause~~ reasonable suspicion exists, shall have their visiting privileges denied for that day. Future visits may be conditioned upon the visitor's willingness to submit to an unclothed body search prior to being allowed to visit. Such searches may be repeated on subsequent visits for as long as institution/or facility officials have ~~probable cause~~ reasonable suspicion to believe ~~that the visitor will~~ is attempting to introduce contraband, ~~or~~ unauthorized substances, or items into the institution/or facility.

**[Subsections 3176(a)(3)(B) through 3176(a)(10) are unchanged.]**

**[Subsection 3176(b) is amended to read:]**

(b) Written notification on a CDCR Form 887-B (Rev. 02/23), Notice of Visitor Warning/Termination/Suspension/Denial/Revocation, which is incorporated by reference, shall be provided to the visitor when action is taken by the official in charge of visiting to deny, terminate or restrict a visit. The written notification shall contain information instructing the visitor how to appeal the action as outlined in section 3179.

**[Subsections 3176(c) through 3176(d) are unchanged.]**

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

**NOTICE OF REQUEST FOR SEARCH**  
CDCR 888 (Rev. 09/23)

**NOTICE OF REQUEST FOR SEARCH**

INSTITUTION CONDUCTING THE SEARCH

VISITOR NAME	NAME OF INMATE	CDCR #
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Institution staff has cause to suspect that you might be carrying some form of contraband. Consistent with the posted notice at the entrance of this facility, we request your voluntary submission to a clothed/unclothed search of your person and any minor(s) accompanying you. The search may include your personal possessions and your vehicle.

All visitors have the right to refuse the search and forego the visit for the day. All visitors have the right to stop the search at any time and forego the visit for the day. If a minor is to be subjected to a clothed/unclothed search, only the parent or legal guardian may authorize the search and must be present during the search. Absent positive proof of relationship, (e.g., birth certificate, court order, notarized authorization by parent or legal guardian), a search of a minor will not be conducted and visiting will not be allowed. A separate CDCR Form 888 is required for each minor.

An unclothed body search is a security procedure that involves visual inspection of a person's body and body cavities with all of their clothing removed and a thorough inspection of the person's clothing for the purpose of detecting contraband. This procedure shall be conducted with the visitor's consent and when there is a reasonable suspicion that the visitor may be carrying contraband and when no less intrusive means are available to conduct the search. This search shall be conducted in a private setting and by staff members of the same gender as the adult or minor visitor.

ADVANCED PERMISSION FOR THIS SEARCH (OFFICIAL ORDERING THE SEARCH) WAS SECURED FROM:		
NAME	TITLE	DATE GRANTED
POSITION		TIME PERMISSION GRANTED

SPECIFIC REASON(S) FOR SEARCH AND COMMENTS

WATCH COMMANDER/VISITING LIEUTENANT SIGNATURE	DATE
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<input type="checkbox"/> I VOLUNTARILY AGREE to be searched <input type="checkbox"/> Clothed <input type="checkbox"/> Unclothed	Signature of Visitor	Date
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<input type="checkbox"/> I VOLUNTARILY AUTHORIZE the search of minor <input type="checkbox"/> Clothed <input type="checkbox"/> Unclothed	Signature of Visitor (Parent or Legal Guardian)	Date
_____ Name of Minor	Relationship to Minor	_____ Age

<input type="checkbox"/> I REFUSE to be searched. I understand by refusing to be searched, I will be foregoing my visit today.	Signature of Visitor	Date
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<input type="checkbox"/> I REFUSE TO AUTHORIZE the search of minor. I understand by refusing the search, the minor will be foregoing the visit today.	Signature of Visitor (Parent or Legal Guardian)	Date
_____ Name of Minor	Relationship to Minor	_____ Age

Staff Member Conducting Search	NAME	POSITION
Staff Member Witnessing Search	NAME	POSITION

**SEARCH RESULTS:**     **POSITIVE**     **NEGATIVE**

DESCRIPTION OF CONTRABAND

<b>VISITOR IS:</b>	<input type="checkbox"/> <b>PERMITTED</b> to visit inmate.	<input type="checkbox"/> <b>NOT PERMITTED</b> to visit inmate.
NAME (Staff Completing Form)	TITLE	DATE

**DISTRIBUTION: Original:** C-File (Visiting) **Copies:** Institution Head, ISU, Visitor

**NOTICE OF REQUEST FOR SEARCH**  
CDCR 888 (Rev. 03/23)

**NOTICE OF REQUEST FOR SEARCH**

INSTITUTION CONDUCTING THE SEARCH

VISITOR NAME	NAME OF INMATE	CDCR #
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Institution staff has cause to suspect that you might be carrying some form of contraband. Consistent with the posted notice at the entrance of this facility, we request your voluntary submission to a clothed/unclothed search of your person and any minor(s) accompanying you. The search may include your personal possessions and your vehicle.

All visitors have the right to refuse the search and forego the visit for the day. All visitors have the right to stop the search at any time and forego the visit for the day. If a minor is to be subjected to a clothed/unclothed search, only the parent or legal guardian may authorize the search and must be present during the search. Absent positive proof of relationship, (e.g., birth certificate, court order, notarized authorization by parent or legal guardian), a search of a minor will not be conducted and visiting will not be allowed. A separate CDCR Form 888 is required for each minor.

An unclothed body search is a security procedure that involves visual inspection of a person's body and body cavities with all of their clothing removed and a thorough inspection of the person's clothing for the purpose of detecting contraband. This procedure shall be conducted with the visitor's consent and when there is a reasonable suspicion that the visitor may be carrying contraband and when no less intrusive means are available to conduct the search. This search shall be conducted in a private setting and by staff members of the same sex as the adult or minor visitor.

ADVANCED PERMISSION FOR THIS SEARCH (OFFICIAL ORDERING THE SEARCH) WAS SECURED FROM:

NAME	TITLE	DATE GRANTED
POSITION		TIME PERMISSION GRANTED

SPECIFIC REASON(S) FOR SEARCH AND COMMENTS

WATCH COMMANDER/VISITING LIEUTENANT SIGNATURE	DATE
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<input type="checkbox"/> I VOLUNTARILY AGREE to be searched <input type="checkbox"/> Clothed <input type="checkbox"/> Unclothed	Signature of Visitor	Date
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<input type="checkbox"/> I VOLUNTARILY AUTHORIZE the search of minor <input type="checkbox"/> Clothed <input type="checkbox"/> Unclothed	Signature of Visitor (Parent or Legal Guardian)	Date
_____ Name of Minor	_____ Relationship to Minor	_____ Age

<input type="checkbox"/> I REFUSE to be searched. I understand by refusing to be searched, I will be foregoing my visit today.	Signature of Visitor	Date
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<input type="checkbox"/> I REFUSE TO AUTHORIZE the search of minor. I understand by refusing the search, we will be foregoing the visit today.	Signature of Visitor (Parent or Legal Guardian)	Date
_____ Name of Minor	_____ Relationship to Minor	_____ Age

Staff Member Conducting Search	NAME	POSITION
Staff Member Witnessing Search	NAME	POSITION

**SEARCH RESULTS:**  **POSITIVE**  **NEGATIVE**

DESCRIPTION OF CONTRABAND

<b>VISITOR IS:</b>	<input type="checkbox"/> <b>PERMITTED</b> to visit inmate.	<input type="checkbox"/> <b>NOT PERMITTED</b> to visit inmate.
NAME (Staff Completing Form)	TITLE	DATE

**DISTRIBUTION: Original:** C-File (Visiting) **Copies:** Institution Head, ISU, Visitor

# NOTICE OF REQUEST FOR SEARCH

CDCR 888 (Rev. 04/15)

VISITOR NAME	NAME OF INMATE VISITED	CDC NUMBER
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Institution staff has cause to suspect that you might be carrying some form of contraband. Consistent with the posted notice at the entrance of this facility, we request your voluntary submission to an unclothed/clothed search of your person and any minor(s)\* accompanying you. The search may include your personal possessions and/or your vehicle.

This search will be conducted in private by staff members of the same sex as the adult or minor visitor. If a minor is searched, the parent or legal guardian may be present during the search. A separate form is required for each minor.

<input type="checkbox"/> I VOLUNTARILY AGREE to be searched.	Signature of Visitor
<input type="checkbox"/> I VOLUNTARILY AUTHORIZE the search of: _____ Age _____ NAME OF MINOR	*Signature of Visitor (Parent or Legal Guardian) Relationship to Minor:
<input type="checkbox"/> I REFUSE to be searched.	Signature of Visitor
<input type="checkbox"/> I REFUSE TO AUTHORIZE the search of: _____ Age _____ NAME OF MINOR	*Signature of Visitor (Parent or Legal Guardian) Relationship to Minor:

### ADVANCED PERMISSION FOR THIS SEARCH WAS SECURED FROM:

NAME	DATE PERMISSION GRANTED
POSITION	TIME PERMISSION GRANTED
STAFF COMMENTS	

WATCH COMMANDER/VISITING LIEUTENANT SIGNATURE	SIGNATURE DATE	
Staff Member Conducting Search	NAME	POSITION
Staff Member Witnessing Search	NAME	POSITION

**SEARCH RESULTS:**  **POSITIVE**  **NEGATIVE**

DESCRIPTION OF CONTRABAND

**VISITOR IS:**  **PERMITTED** to visit inmate.  **NOT PERMITTED** to visit inmate.

\* Only the parent or legal guardian of a minor may authorize an unclothed/clothed body search. Absent positive proof of relationship (i.e., birth certificate, court order, notarized authorization by parent or legal guardian), a search of a minor will **not** be conducted and visiting will not be allowed.

**DISTRIBUTION:** ORIGINAL - C-File (Visiting)  
CANARY - Institution Head  
PINK - Investigator's File  
GOLD - Visitor



**Notice of Visitor Warning/Termination/Suspension/Denial/Revocation**  
CDCR 887-B (Rev. 02/23)

**NOTICE OF VISITOR  
WARNING/TERMINATION/SUSPENSION/DENIAL/REVOCATION**

TO: (Inmate's Name)	CDCR NUMBER	INSTITUTION	UNIT
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REGARDING: (Name of Visitor)

**VISITING VIOLATION**

**ACTION TAKEN (Check the box(es) that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> Verbal Warning _____<br>DATE  | <input type="checkbox"/> Termination for the Day _____<br>DATE |
| <input type="checkbox"/> Written Warning _____<br>DATE | <input type="checkbox"/> Other: _____<br>DATE                  |

DESCRIPTION OF VISITING VIOLATION INCIDENT:

REASON FOR ACTION TAKEN:

Action taken by \_\_\_\_\_ on \_\_\_\_\_ DATE

PRINT NAME OF OFFICIAL

\_\_\_\_\_  
SIGNATURE OF OFFICIAL

**FINAL ACTION TAKEN (If applicable):**

- |  |   |
|--|---|
| <input type="checkbox"/> One (1) Month Suspension          | <input type="checkbox"/> Six (6) Month Suspension     |
| <input type="checkbox"/> Three (3) Month Suspension        | <input type="checkbox"/> Twelve (12) Month Suspension |
| <input type="checkbox"/> Twenty-four (24) Month Suspension |   |

REASON FOR FINAL ACTION TAKEN:

\_\_\_\_\_  
SIGNATURE OF DIRECTOR / WARDEN / DESIGNEE

\_\_\_\_\_  
DATE

The Termination/Suspension/Denial will expire:

on (DATE) \_\_\_\_\_ after which time you may continue to visit, provided you adhere to all rules and regulations related to visiting within the facility.

on (DATE) \_\_\_\_\_ after which time you may write a letter to the Warden requesting to have your visiting privileges reinstated. You must also submit a CDCR Form 106, Visiting Questionnaire.

Visitors may appeal any action taken above by following the established appeal process outlined in the California Code of Regulations, Title 15, Division 3, Section 3179, Complaints Relating to Visiting.

**NOTICE OF VISITOR  
WARNING/TERMINATION/SUSPENSION/DENIAL/REVOCAATION**

**DISTRIBUTION:**  
ORIGINAL - Visiting File  
CANARY - Inmate  
PINK - Visitor

TO: (Inmate's Name)	CDC NUMBER	INSTITUTION	UNIT
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REGARDING: (Name of Visitor)

**VISITING VIOLATION**

**ACTION TAKEN (Check the box(es) that apply):**

Verbal Warning \_\_\_\_\_  
DATE

Termination For The Day \_\_\_\_\_  
DATE

Written Warning \_\_\_\_\_  
DATE

Other: \_\_\_\_\_  
DATE

DESCRIPTION OF VISITING VIOLATION INCIDENT:

REASON FOR ACTION TAKEN:

Action taken by \_\_\_\_\_ on \_\_\_\_\_  
PRINT NAME OF OFFICIAL DATE

\_\_\_\_\_  
SIGNATURE OF OFFICIAL

**FINAL ACTION TAKEN (If applicable):**

One (1) Month Suspension

Six (6) Month Suspension

Three (3) Month Suspension

Twelve (12) Month Suspension

Twenty-four (24) Month Suspension

REASON FOR FINAL ACTION TAKEN:

\_\_\_\_\_  
SIGNATURE OF DIRECTOR / WARDEN / DESIGNEE

\_\_\_\_\_  
(DATE)

The Termination/Suspension/Denial will expire:

on (DATE) \_\_\_\_\_ after which time you may continue to visit, provided you adhere to all rules and regulations related to visiting within the facility.

on (DATE) \_\_\_\_\_ after which time you may write a letter to the Warden requesting to have your visiting privileges reinstated. You must also submit a CDC Form 106, Visiting Questionnaire.

Visitors may appeal any action taken above by following the established appeal process outlined in the California Code of Regulations, Title 15, Division 3, Section 3179, Appeals Relating to Visiting.