

State of California

Office of Administrative Law

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Amend sections: 3999.30

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL Matter Number: 2024-0701-01

OAL Matter Type: File and Print Only (FP)

This action by the Department of Corrections and Rehabilitation—submitted to the Office of Administrative Law for filing with the Secretary of State and for printing in the California Code of Regulations—amends Section 3999.30, a pilot program that established the Youth Offender Program at Growlersburg Conservation Camp, by expanding the pilot program to Pine Grove Youth Conservation Camp. This filing is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law, as the conditions set forth in Penal Code section 5058.1(b) have been met. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1(c) and shall lapse by operation of law two years after the commencement of the pilot program (i.e., July 27, 2025) pursuant to Penal Code section 5058.1(d).

OAL filed this regulation(s) with the Secretary of State, and will publish the regulation(s) in the California Code of Regulations.

Date: August 7, 2024



Stephen P. Mehlert
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Jeffrey Macomber, Secretary
Copy: Renee Rodriguez

NOTICE PUBLICATION/REGULATIONS SUBMISSION FILE PRINT

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2024-0701-01FP	

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OFFICE OF ADMIN. LAW
2024 JUL 1 PM 1:44**ENDORSED - FILED**
in the office of the Secretary of State
of the State of CaliforniaAUG 07 2024
8:00 PM

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (If any)
24-14**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE Notice re Proposed Regulatory Action	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE Approved as Submitted	Approved as Modified	Disapproved/ Withdrawn
			NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Youth Offender Camp Pilot Program Expansion	2023-0614-05FP

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s)) individually. Attach additional sheet if needed.)	ADOPT 3999.30		
TITLE(S) 15 per agency request em	REPEAL		
3. TYPE OF FILING	<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		
	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.		
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		
	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))		
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)		
	<input checked="" type="checkbox"/> File & Print		
	<input type="checkbox"/> Print Only		
	<input type="checkbox"/> Other (Specify) Pilot Program PC 5058.1		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d), Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or <input checked="" type="checkbox"/> October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Renee Rodriguez	(279) 223-2319		Renee.Rodriguez@cdcr.ca.gov

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

AUG 07 2024

Office of Administrative Law

SIGNED BY AGENCY HEAD OR DESIGNEE

Tammy Foss

TYPED NAME AND TITLE OF SIGNATORY

914C404B35B04E8

Tammy Foss, Undersecretary, Operations

DATE
6/29/2024

Memorandum

Date: August 12, 2024

To: Associate Directors, Division of Adult Institutions
Wardens
Classification and Parole Representatives
Correctional Counselor IIIs, Classification Staff Representatives
Correctional Case Records Managers
CAL FIRE

INSTRUCTIONAL MEMORANDUM

Subject: **YOUTH OFFENDER PROGRAM CAMP PILOT PROGRAM AT GROWLERSBURG CONSERVATION CAMP AND PINE GROVE YOUTH CONSERVATION CAMP**

PILOT PROGRAM PURPOSE

The purpose of this memorandum is to announce the expansion of the Youth Offender Program (YOP) Camp Pilot Program (CPP) to Pine Grove Youth Conservation Camp (PGYCC). The YOP CPP affords youth offenders the opportunity to be housed at a lower security level than their placement score permits. The YOP CPP allows youth offenders who are currently ineligible for Conservation Camp (CC) participation due to a Level-III placement score or a Violent Administrative Determinant (VIO AD), the opportunity to participate in the YOP CPP.

The YOP was established in 2014, pursuant to Assembly Bill 1276, which enacted California Penal Code (PC) section 2905, requiring the California Department of Corrections and Rehabilitation (CDCR or department) to afford special classification consideration for every youth offender. Pursuant to PC section 2905, a youth offender is defined as an individual under 22 years of age. CDCR defines a youth offender as an individual committed to the department who is 25 years of age or younger. While PC section 2905 states that a youth offender is under 22 years of age, the department extends the opportunity for participation in the YOP to offenders between the ages of 22-25. The expanded age range affords these young offenders the opportunity to house at a lower security level for greater access to programs with the goal of increasing the likelihood of rehabilitation, during critical development stages in their life.

The purpose of the YOP CPP is to encourage youth offenders to commit to positive change and self-improvement with the goal of being law-abiding members of society upon release. By participating in the YOP CPP, youth offenders have the opportunity to receive valuable wildland firefighting training, which enhances their opportunities for future firefighting careers. In addition, pursuant to PC section 1203.4b, an incarcerated individual who successfully participated in the California Conservation Camp program as a firefighter, and has been released from custody, may petition the court to withdraw a guilty plea or set aside a plea of guilty and dismiss the accusations or information against the offender and the offender shall thereafter be released from all penalties and disabilities resulting from the offense of which they have been convicted, with some exceptions.

The order does not relieve the offender of the obligation to disclose the conviction on any questionnaire or application for licensure by the Commission on Teacher Credentialing, a Peace

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Officer, Public Office, or for contracting with the California State Lottery Commission. Additionally, incarcerated individuals who have been convicted of murder, kidnapping, rape, lewd acts on a child under 14, any felony punishable by death or imprisonment for life, any sex offense requiring registration pursuant to PC section 290, escape from a secured perimeter within the previous 10 years, or arson, are automatically ineligible.

PILOT PROGRAM REQUIREMENTS

The YOP CPP at Growlersburg CC and PGYCC operates under the authority of Penal Code section 5058.1 and affects no more than 10 percent of the total State offender population. The primary incentive of this pilot program is to allow youth offenders to be housed at a lower security level than their placement score permits.

PILOT PROGRAM LOCATION AND DURATION

As of August 7, 2023, the YOP CPP has been operating at Growlersburg CC and will now expand to PGYCC, both of which are under operational administration of the Sierra Conservation Center (SCC). YOP participants shall be transferred to SCC for Fire Camp training prior to camp placement. The pilot program is in effect for 24 months and both programs expire by operation of law at the end of this period ending on July 27th, 2025 unless the pilot program is promulgated through the Administrative Procedure Act. If the pilot program is not promulgated through the Administrative Procedure Act, the Youth Offenders and Peer Mentors shall be returned to SCC for housing placement through Institutional Classification Committee (ICC).

PILOT PROGRAM STRUCTURE AND CRITERIA

The YOP CPP shall operate as a voluntary program under the authority of PC section 2905. The YOP CPP allows Level II and III YOP offenders who are not currently eligible to participate in the CC program due to a VIO AD, the opportunity to participate in a camp program. The YOP candidates shall be under 26 years of age. Prior criteria required the YOP Candidate to possess high school diploma or general equivalency degree in order to participate in this pilot program. Growlersburg CC and PGYCC now offer either a high school diploma or general equivalency degree program in which the YOP participant can achieve possession of the required degree while participating in the pilot program and being housed at camp. Offenders shall meet all other criteria established in the Placement Criteria For Youth Offender Program Camp Pilot Program at Growlersburg Conservation Camp and Pine Grove Youth Conservation Camp (Attachment A).

All eligible YOP offenders with Level II placement scores and a VIO AD; or Level III YOP offenders with or without a VIO AD may be reviewed for YOP CPP placement by an ICC, if no other minimum custody exclusionary criteria exists. ICC will note the violent conviction associated with the VIO AD and document the reason the inmate is eligible or ineligible for CPP placement based on the totality of the offender's case factors as they mitigate or aggravate the offender's suitability for placement in consideration of a previous history of violence, positive programming since incarceration and no history of violence since incarceration.

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YOP offenders shall be assessed for YOP CPP eligibility during their annual review. If a YOP offender meets eligibility for and would like voluntary placement into the YOP CPP, they shall be referred to ICC during their annual committee review. If the ICC grants placement, an Age Administrative Determinant (AGE AD) is required.

If eligible, the counselor shall prepare to add the AGE AD Override in CDCR's Strategic Offender Management System (SOMS) in 'pending approval' status, noting in the Comments Section the reason for eligibility and refer the case to Classification Staff Representative (CSR) for endorsement. The AGE AD affords the youth offender the opportunity to receive an override for placement at a facility which is not in accordance with their placement score. YOP offenders with a Level IV placement score are excluded from CPP eligibility. For the purpose of this Pilot Program, ICC has the authority to refer YOP offenders with level III placement scores for the CPP. Offenders shall meet all criteria established in Attachment A to be a firefighter. No other CC policies, procedures, or exclusionary criteria change as a result of this Pilot Program Instructional Memorandum.

PILOT PROGRAM PROCEDURES

Any YOP offender who meets the aforementioned criteria and wishes to participate in the YOP CPP may be referred by the ICC, to be endorsed for transfer to SCC. Upon arrival at SCC, the offender shall be reviewed by the ICC for possible placement into the YOP CPP. SCC ICC shall note the sending institution's recommendation for camp placement, the AGE AD, the reasons for the referral of camp placement and shall approve or deny the camp placement.

YOP offenders deemed ineligible or denied placement into the YOP CPP due to their current placement score, academic needs, medical needs, Rules Violation Reports, or other mandated program assignments which preclude camp placement, shall be re-reviewed for YOP Camp Pilot Program placement upon completion of their mandated assignment, or at subsequent annual reviews under the age of 26.

Should a YOP offender be deemed not appropriate for YOP CPP placement, the YOP offender shall be reviewed by the ICC and all exclusionary factors shall be thoroughly documented in the Classification Committee Chrono in SOMS.

PEER MENTORS AND ELIGIBILITY

Beyond regular programming for youth offenders, offenders 26 years of age and older shall be afforded the opportunity to participate in this pilot program, by volunteering to become Peer Mentors. Benefits of being a Peer Mentor include strengthening their communication skills, making a pro-social impact in the prison environment, and serving as a resource to the youth offenders.

At designated YOP institutions the Every Student Succeeds Act (ESSA) teacher, or designee, shall train the YOP Peer Mentors utilizing the mentor curriculum consisting of 26 modules. Once the training is completed, the YOP Peer Mentor candidate participates in a 500-hour internship in education, where the candidate provides tutoring and mentorship to youth offenders who are

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assigned to education and other work training assignments. Once the 500-hour internship is completed, the YOP Peer Mentor candidate shall be certified and assigned as a YOP Peer Mentor.

Due to the length of time required to become a YOP Peer Mentor, only certified YOP Peer Mentors who have completed the required training will be considered for this Pilot Program. Only offenders with a Level I or Level II placement score may be assigned as a YOP Peer Mentor at Growlersburg CC and PGYCC. Offenders previously excluded from CC opportunities due to placement score, a VIO AD, or both, may volunteer for the YOP Peer Mentor opportunity; however, all other existing camp placement criteria shall be met (refer to Attachment A).

A current YOP Peer Mentor, with a Level II placement score currently excluded from camp due to a VIO AD, who otherwise meets all other existing CC placement criteria, and wishes to participate in this YOP Camp Pilot Program may be reviewed by an ICC for transfer to SCC. YOP Peer Mentor offenders are assessed for YOP Camp eligibility during their annual reviews or when the ESSA teacher notifies the Correctional Counselor II of the Peer Mentor's certification and eligibility.

If ICC grants the placement of a Peer Mentor to Growlersburg CC or PGYCC, the Youth Offender Committee (YOC) AD is required. The counselor shall prepare to add the YOC AD Override in SOMS in "pending approval" status, noting in the Comments Section the reason for eligibility and referring the case to the CSR for endorsement.

Upon arrival at SCC, the inmate shall be reviewed by an ICC for possible placement and participation in this YOP CPP as a Peer Mentor. SCC ICC shall note the sending institution's recommendation for camp placement, the reasons for the referral, and shall approve or deny the camp placement as a Peer Mentor.

Participating YOP already housed at camp who will turn 26 during their term, may complete the YOP Peer Mentorship training in camp prior to their 26th birthday. Both Growlersburg CC and PGYCC have the established Peer Mentorship Program at their camps and staff will document and record the completion of YOP Peer Mentor Program. Those YOP housed at camp who do not complete the YOP Peer Mentorship training in camp prior to age 26 will be returned to a YOP institution for completion of the Peer Mentorship program prior to being returned to the camp.

No more than fifteen YOP Peer Mentors shall be assigned to each camp, Growlersburg CC or PGYCC. These YOP Peer Mentors may be assigned as firefighters or to non-grade positions, such as cooks or maintenance.

RESEARCH AND EVALUATION

The YOP CPP is a voluntary program designed to allow eligible youth offenders greater access to programs with the intent of increasing the likelihood of rehabilitation and decreasing recidivism. CDCR shall evaluate and assess the YOP CPP's effectiveness in achieving rehabilitative goals.

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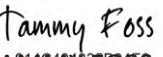
Growlersburg CC and PGYCC staff shall monitor and document any negative behavior, especially when the offender is to be assigned Off Reservation Work Details, such as grade projects or fire assignments. Staff shall document all disciplinary issues through the Rules Violation Report process in SOMS. Removal from the YOP CPP shall be documented and the offender shall be referred to ICC for review. If ICC removes the offender from the YOP Pilot Program, the counselor shall note in the AGE or YOC AD Override comments section the reason for the removal and recommend placement at an institution consistent with the offender's case factors, and refer the case to the CSR for appropriate endorsement. Participation in the YOP CPP is voluntary. Any offender's requests to be removed from the YOP CPP shall be granted and documented on a CDC 128-B General Chrono and signed by the offender.

For the duration of the pilot program, CDCR shall evaluate and assess the program's effectiveness. Assessment of effectiveness shall be based upon the positive influence of the camp population. Additionally, camp staff are tasked to identify any issues involved with housing the YOP, the most common Rules Violation Reports generated, and any identified program changes or enhancements to be considered. The assessment also identifies which YOP participants successfully house and participate at camp as part of an inmate hand crew and are able to petition the court for felony expungement.

The results of the management reviews are shared with the Warden, Associate Director and CAL FIRE overseeing the YOP CPP. The results of all internal reviews may be utilized as supporting documentation for the development of future regulatory language.

If you have any questions regarding the YOP Pilot Program at Growlersburg CC or Pine Grove YCC, please contact Fred Money, Captain, Camp Liaison, Reception Centers Mission, at (916) 324-0756 or Fred.Money@cdcr.ca.gov.

DocuSigned by:


TAMMY FOSS
Undersecretary of Operations
California Department of Corrections and Rehabilitation

Attachment

cc: Jared D. Lozano
Jennifer Benavidez
Patrick Eaton
Tracy Snyder
Fred Money

Note: Authority cited: Section 5058 and 5058.1, Penal Code. Reference: Section 5058, Penal Code.

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PLACEMENT CRITERIA FOR
YOUTH OFFENDER PROGRAM CAMP PILOT PROGRAM AT GROWLERSBURG
CONSERVATION CAMP AND PINE GROVE YOUTH CONSERVATION CAMP

<i>Case Factors</i>	<i>YOP Camp</i>	<i>Peer Mentors</i>
Level I (0-18), Level II (19-35), and Level III (36-59) (Level IV Ineligible)	Yes	Level I and II
Violence	<i>Case by Case</i>	<i>Case by Case</i>
History of Sex, Escape, Arson- History includes record of arrest, detention, charge(s), Rules Violation Reports (RVR), conviction, and Good Cause/Probable Cause Finding	No	No
Pending or active felony hold, warrant, or detainer	<i>Case by Case</i>	<i>Case by Case</i>
Life term	No	No
Public Interest Case	<i>Case by Case</i>	<i>Case by Case</i>
STG I Validated	<i>Case by Case</i>	<i>Case by Case</i>
STG I Dropout	Yes	Yes
Security Threat Group II	Yes	Yes
Sensitive Needs Yard	Yes	Yes
A serious RVR classified as a Division A or B offense, or equivalent to, in the last 12 months of date of review	No	No
Protective Housing Unit	<i>Case by Case</i>	<i>Case by Case</i>
Medical	<i>Case by Case</i>	<i>Case by Case</i>
Mental Health Services Delivery System	<i>Case by Case</i>	<i>Case by Case</i>
Disability Placement Program Impacting Placement	<i>Case by Case</i>	<i>Case by Case</i>
Developmental Disability Program	<i>Case by Case</i>	<i>Case by Case</i>
Dental	Yes	Yes
Time to Serve- Eight years or less time to serve (More than Eight ineligible)	Yes	Yes
6 months or more remaining to serve from GP/RC	Yes	Yes
Less than 6 months and more than 90 days remaining with prior camp experience in the previous 12 months GP/RC	Yes	Yes
Less than 90 days and more than 30 days remaining to serve from the RC	No	No
Less than 90 days remaining to serve from GP	No	No