CHAPTER 5 — CUSTODY AND SECURITY OPERATIONS

ARTICLE 1 — *RESERVED (ORGANIZATION)*

ARTICLE 2 — SUPPLEMENT PROCESS

Revised February 28, 1992

51020.1 Policy

There may occasionally be a need at the facility/parole region level to clarify or supplement information in a section of the DOM. This need may arise from insufficient detailed information upon which to provide for day-to-day operation or it may occur based on a need to clarify specifics of operations provided in the DOM. When such needs occur a supplement shall be developed clarifying the manual.

Supplements shall:

- Be brief and generally no more than two to four pages for any DOM section.
- Be attached to the applicable DOM section.
- Not create new policy/regulation.
- Clarify and not duplicate or conflict with the DOM provisions.

A definition of regulation is that it:

- Implements, interprets, or makes more specific the provisions of statute, case law, or regulations of controlling agencies.
- Is a mandate and applies equally to all inmates, parolees, and the public in like situations.
- Imposes a standard or required inmate behavior with consequences for noncompliance.
- Imposes requirements which shall be met to qualify for any general entitlement or privilege available to inmates, parolees, or the public.
- Imposes criteria which govern staff decisions affecting inmate custody, discipline, classification, programming, release date, visiting, transfer, etc.
- Mandates fair and prompt staff response (due process) or entitlement (rights).

51020.2 Purpose

The purpose of this section is to provide a process by which facilities and parole regions shall clarify the DOM for local operational purposes.

51020.3 Operational Supplements to the DOM

An operational supplement shall contain only exceptional information required for day-to-day operation. It shall contain procedures required to accomplish the mandate of the DOM section. The supplement could include such things as who escorts certain groups of inmates within or from a specific housing designation or in which offices computers shall be located. Only when there is an exceptional need to add to the DOM section to provide for a specific operational need shall a supplement be used. Supplements shall be reviewed for policy compliance during the audit process. Supplements shall be in the same format as the DOM.

51020.4 Substantive Exemption to a Section of the DOM

It is the intent of the Department not to have substantive changes to requirements of the DOM. However, on rare occasions there may be other mandates which require an exemption to some DOM section. Such mandated sections shall include court orders which affect a particular facility's operation or a statutory requirement not required to be implemented statewide.

When such an exemption is required a justification shall be submitted by the appropriate deputy or assistant director to the Director for approval of the exemption.

The justification for the exemption shall include a description of the mandate requiring the exemption and an evaluation of the consequences if it is not approved.

51020.5 Revisions

The Assistant Director, OOC, or designee, shall be responsible for ensuring that the contents of this section are kept current and accurate.

51020.6 References

PC §§ 5054, 5058.

GC § 11304, et seq.

CCR (1) §§ 10 - 128; and (15) § 3423.

ARTICLE 3 — INCIDENT REPORT

Effective December 27, 1989

51030.1 Policy

Incidents, events and activities that occur within the jurisdiction of institutions and parole regions of immediate interest to the Department, other governmental agencies or the news media, shall be reported to the Director, the departmental Officer-of-the-Day or the Deputy Director, P&CSD 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

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.

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.

The current public and ATSS telephone numbers of the ID Unit shall be included in the telecopier and AOD instruction booklets or memos.

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 and 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 P&CSD Incident Reporting Policy

P&CSD incidents shall be reported in accordance with departmental policy as outlined in this procedure.

51030.7.1 Types of Reportable Incidents

The following types of incidents shall require the preparation of incident reports by P&CSD staff.

- Special incidents.
- Altercation/unholstered firearm.
- Shots fired by agent.
- Threats against public officials.

51030.7.2 Incident Reporting Procedures

Parole Agent

The Parole Agent involved shall obtain and document all available information and notify the unit supervisor or AOD.

Written reports by Parole Agents for all reportable incidents shall be completed within 24 hours of the incident.

Supervisory Responsibility

The unit supervisor or AOD shall notify the deputy Regional Administrator on the day the incident occurs. The deputy Regional Administrator shall evaluate the seriousness of the incident and notify the Regional Administrator and assistant deputy director by telephone when determined necessary.

Special Incident Report (CDC Form 1662)

A CDC Form 1662, Special Incident Report, shall be completed by the unit supervisor and telecopied to the deputy Regional Administrator on the day the incident occurs. A complete report with all additional information shall be forwarded to the assistant deputy director. The assistant deputy director shall forward the report to the Director by the Deputy Director when deemed necessary.

51030.7.2.1 Altercation/Unholstered Firearm

An incident report shall be prepared when parole staff is involved in an altercation or draws a weapon. The report shall be written on a standard departmental memorandum using the following procedures and format:

- Synopsis.
  - A brief one or two sentence description of the incident.
- Parties Involved.
  - List all persons involved in the incident noting their status as staff, parolees, inmates, or other persons.
- **Procedure/Format**
- Injuries to persons or property.
  - A description of injuries to any person, medical aid given, and prognosis. When reporting injuries, differentiate whether female or male by (F) or (M) behind the name of injured person. Damage to property of a staff person, parolee, inmate or any other person shall be listed with a damage estimate in dollar value.
- Details of Incident.
  - A detailed description of the altercation or incident involving unholstering of firearm.
- Reporting Staff Signature(s).
  - Report shall be submitted to the unit supervisor for review and approval.

51030.7.2.2 Shots Fired by Parole Agent

Any discharge of a firearm by parole staff for other than training purposes whether on duty or off duty shall be immediately reported to the local law enforcement agency and a Confidential Shots Fired Report prepared. Medical aid shall be summoned as soon as possible for any injured person. The Confidential Shots Fired Report and accompanying incident report shall be prepared using the following format and procedures:

Format

- Synopsis.
  - A brief one or two sentence description of the incident and number of rounds fired.
- Persons Involved.
  - List all participants and witnesses involved by full name, address, telephone number, and place of employment. Participants shall be listed as: department employee (title), inmate/employee, private citizen, or other appropriate title or identity. Include statements from witnesses and participants.
- Death, Injury, or Property Damage.
  - Describe injuries and/or wounds sustained by any persons. Describe any property damage including names and addresses of owners and give an estimated value of damages. If death occurs to an injured person after completion of the original report a supplemental report shall be submitted.
- Weapons Used.
  - Describe weapon(s) used during incident by employee(s) and other persons. Description for employee firearm shall include type and model number of weapon, serial number, CDC number, number of rounds fired and disposition of the weapon.
  - Firearms used or confiscated from other persons during the incident shall be identified by type and model number, serial number, number of rounds fired (if any) and disposition of the weapon(s). If confiscated weapon(s) was not fired, description shall include whether weapon was loaded or unloaded and number of rounds confiscated. When known, a statement shall be included as to whether the weapon was listed as stolen or how possession was obtained. If unknown at the time of report, the information shall be submitted on a supplemental report when available.
- Assistance by Other Agencies.
  - Names and telephone numbers of all departments and/or agencies assisting or responding in the incident shall be listed. Copies of their reports shall be attached to the incident package when available. Examples of departments/agencies to be included are: law enforcement agencies,

ambulance/paramedic services, hospitals, and physicians, etc. Reports from assisting agencies that are unavailable prior to completion of the incident report shall be submitted with a supplemental incident report when received.

- Details of Incident.
  - A detailed chronological account of the incident shall be written. A narrative description of the scene and physical positions of all participants and witnesses shall be prepared and attached to the final report. All P&CSD staff directly involved in the incident shall submit a written report.
- P&CSD Notification.
  - Indicate date and time that the supervisor or AOD was notified of the event, including name of person notified.
- Analysis.
  - The immediate supervisor shall proceed to the scene of the incident and conduct a complete investigation including an examination of the firearm used by staff. The supervisor shall prepare an analysis report within four days of the incident and forward the report to the Regional Administrator and Deputy Director, P&CSD, within 24 hours of completion. The cause of the incident and degree of each participant's involvement shall be included. The analysis section shall be a separate document (addendum) to the main incident report and distribution shall be restricted to the unit supervisor, PA, Regional Administrator, assistant deputy director, and Deputy Director, P&CSD. The analysis section shall be removed from the incident report prior to distribution for training or informational purposes. Revisions to the analysis section shall be effected by supplemental reports to the authorized recipients listed above.

51030.8 Threats

Written or oral threats by inmates/parolees against the President or Vice-President of the United States; Governor of California; state, county or city officials; elected state officials; exempt appointees of the Governor; judges; BPT staff; and P&CSD staff; shall require the preparation of an incident report following procedures described in the subsequent sections.

51030.8.1 Threats Against the President or Vice-President of the United States

An immediate telephonic/telecopy report shall be made to the following:

- During non-business hours, a telecopy report shall be transmitted to the appropriate division.
- During business hours, the responsible Assistant Deputy Director, Institutions/Paroles shall be contacted who shall notify the Director when appropriate.
- Assistant Director, Law Enforcement and Investigations.
- U.S.Secret Service (local office).
- FBI (local office).

51030.8.2 Threats Against Other Public Officials

Threats against the Governor of California and all other officials listed in this section shall require immediate telephonic/telecopy reporting to:

- Appropriate division during non-business hours.
- The responsible Deputy Director, Institutions/Paroles during business hours, who shall notify the Director when appropriate.
- Assistant Director, Law Enforcement and Investigations.
- CHP. Notification may be made to any of the following offices:
  - Division headquarters, Sacramento - (916) 445-1150.
  - Executive Protection Bureau-North - (916) 445-9636.
  - Executive Protection Bureau-South - (213) 620-3216.
- Executive Officer, BPT, if BPT staff are involved.

51030.8.3 Follow-Up Actions on Threats

When threats are made in writing, a copy of the threat shall be attached to the incident report.

- An evaluation of the mental condition and the mental history of person making the threat shall be included in the incident report.
- A copy of the incident report shall be distributed to departments and agencies listed in DOM 51030.8.1 and 51030.8.2.
- Upon evaluation of the threat, the inmate or parolee may be placed in custody pending investigation.
- If threat involves a P&CSD staff person, other measures, i.e., arming of the staff person, protection by local law enforcement or LEIU, or reassignment of the employee may be considered.
- Any reportable threat shall be placed in the inmate/parolee C-File and in the field file of parolees. The files shall be clearly noted for identification.

51030.9 Escape/Abscond/Parole or Discharge

In the event any inmate under the provision of DOM 51030.8 escapes, is discharged, or released on parole, or any parolee under this provision absconds or is discharged, the appropriate agencies outlined in DOM 51030.8.1 and 51030.8.2 shall be immediately notified.

51030.10 Revisions

The Deputy Director, Institutions Division, in conjunction with the Deputy Director, P&CSD, or designee shall ensure that the content of this section is accurate and current.

51030.11 References

PC § 76.

18 USC 871.

CCR §§ 3382, 3276 - 3279.

ACA Standards 2-4206 - 2-4208, and 2-4210.

ARTICLE 4 — POST ORDERS

Revised July 3, 1998

51040.1 Policy

Each Warden and Health Care Manager shall ensure that post orders are completed for all posted positions, to include special assignment positions (i.e., contraband watch, hospital guarding, etc.).

51040.2 Purpose

Post orders shall be complete and concise. Only general functions and specific duty directives shall be referenced in post orders. Department policy directives should be referenced in post orders but not be reiterated in their entirety. Those matters that are not specific to post duties should be communicated to staff through: IST, OJT, or other communication methods.

51040.3 Staff Responsibility for Post Orders

The Captain or area Manager (i.e., Health Care Manager, Food Manager, etc.) is responsible for the initiation, revision, distribution, and maintenance of post orders.

51040.4 Review, Update, and Finalization of Post Orders

Each Captain and Health Care Manager shall establish a schedule so that all post orders receive an annual review and update to incorporate changes in rules, regulations, policy, institution operations, and the DOM. Whenever a post order is reviewed or updated, the date of the review shall be included on the post order.

- The Captain or area Manager shall assign a second line supervisor to be responsible for the review, revision, and/or preparation of designated post orders.

Post orders shall be accurate, complete, and concise.

- Post order drafts shall be submitted to the immediate supervisor for review then forwarded to the second line supervisor who, after approval of the draft, shall have the post order prepared in final form. The Health Care Manager shall submit the post order drafts to the first line supervisor who, after approval of the draft, shall have the health care staff post order prepared in final form. The respective Associate Warden, Chief Deputy Warden, or Health Care Manager shall review and approve all finalized post orders.

51040.5 Post Order Format

Post orders shall not exceed 4 pages in length and shall be prepared utilizing the following format:

- Revision Date:
- Division/Institution:
- Post Description:
- Post Order Number:
- Watch:
- Hours of Work:
- Regular Days Off:
- Direct Supervisor:
- Indirect Supervisor:
- Area of Responsibility:
- General Duties and Responsibilities:
- Special Instructions:
- Operational Time Schedule:
- Signature Blocks.

51040.5.1 Post Order Language

Post orders shall contain the following language:

"All peace officers have the responsibility to take appropriate action during an emergency (including physical restraint) and to work assignments as necessitated."

51040.6 Post Order at Job Site

The Captain or area Manager shall ensure that a current copy of the Post Order is prepared for every post and a copy shall be physically located at each job site.

51040.6.1 Post Order Reading and Understanding Requirements

Supervisors, by authority of the Captain or area Manager, shall ensure that employees read and understand their post orders upon assuming their post.

Employees under post orders are required to sign and date the CDC Form 1860, Post Order Acknowledgment Form, verifying their understanding of the duties and responsibilities of the post. This shall be completed when the employee is assigned to the post, when the post order has been revised, or upon returning from an extended absence.

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 section 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 fractionals 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, l987 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.
- At the extreme right edge of the detail sheet under the heading of "other" this column is to be used for two purposes:
  - It should contain the number of the corresponding post from the preceding year's Post Assignment Schedule.
  - It should contain a letter designation assigned by the preparer of the PAS identifying the specific CDC Form 607 by fiscal year authorizing the establishment of the post described on the same line.

Note: The PAS shall contain a cover sheet identifying the letter designations 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 Forms 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 67l - 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 supervisorial 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 intermittent 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 supervisorial efficiency.
  - Ensures first and second line supervisors within same supervisorial 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.
- Temporary/overtime assignments shall be entered on the lower portion of the sheet.
- Signature block for preparer and for receiver.

Time sheets shall be reviewed for accuracy and approved by the supervising lieutenant.

- Daily time sheets should never be changed except to accurately reflect authorized changes in the MAR. To ensure that this is the case, daily time sheets should be audited against the MAR in conjunction with any audit of the MAR against the PAS.

51050.15 Redirection/Revision

When a redirection/revision to the PAS is warranted, a comprehensive justification, in the form of a memorandum, shall 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), it is critical that you explain how it shall function without the post(s). If required, CDC Form 607 shall be submitted.

Future Automation Plans

The Administrative/Personnel Automation Unit is presently developing a customized automated post assignment schedule on a personal computer system. The customized system will provide a monthly reconciliation with the most recent Governor's budget and provide a means to identify authorized staffing at the institution level.

Once completed the guidelines and institutions for use shall be distributed to each institution. Some training of users is anticipated.

51050.16 Revisions

The Deputy Director, Institutions Division, or designee, shall ensure that the contents of this section is accurate.

51050.17 References

PC § 5054.

ARTICLE 6 — DAILY ACTIVITY REPORT

Revised May 20, 1993

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 section are kept current and accurate.

51060.7 References

PC §§ 5054 and 5058.

ARTICLE 7 — DEATHS

Revised February 25, 1991

51070.1 Policy

The Department shall treat the death of an inmate or parolee with dignity and respect as is regularly accorded persons who are not incarcerated or on parole. The procedures to be followed after death shall comply with the requirements of all applicable laws.

51070.2 Purpose

The purpose of this section is to outline the duties of all staff involved when a death of an inmate/parolee occurs.

51070.3 Possible Death

An employee discovering a possible death shall immediately summon medical assistance. Pending arrival of medical assistance, the employee shall make every effort to preserve life.

- This may include first-aid, CPR, and other life-saving measures for which the employee is trained. Life support measures shall be continued until the medical personnel arrive.
- Medical personnel will continue the life saving efforts until the medical doctor orders otherwise or pronounces death.

If a medical officer is not present when an inmate housed in the treatment facility (hospital or infirmary) dies, the medical personnel, will, in addition to the above:

- Notify the CMO, staff medical officer, or the medical officer-of-the-day (MOD) as appropriate.
- Notify the senior custody officer on duty.

A physician shall examine the patient at the earliest possible moment to determine if the patient has expired.

51070.4 Pronouncement of Death

Only a doctor of medicine shall pronounce a person dead.

51070.5 Responsibility of Warden/RPA

The Warden/RPA or their designees 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 CMO

The CMO 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 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, providing tactful wording of information that can be used in notifying the next of kin. 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 CMO 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&SC 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&SC 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

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 cards, mail card, etc.

51070.7.1 Identify Decedent

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 CDC Form 138, 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.

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.
- Deputy Warden.
- Associate Warden, Business Services.
- Accounting officer.
- CCRM.
- Captain.
- Property room officer.
- 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 Deputy Director, Institutions Division, and to the Assistant Deputy Director, Office of Health Care Services, Institutions Division, 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 CMO 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, Notification of a Death in Custody, CDC Form XXX, 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 CDC Form XXX shall be retained in the office of the CMO 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 AG's Office, Bureau of Criminal Statistics, Statistical Data Center, P.O. Box 903427, Sacramento, CA 94203-4270:

- 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 CYA if the deceased is a ward of that agency.

51070.10 Notification of Next-of-Kin

The senior custodial officer shall review the inmate's C-File and using the CDC Form 127, notify the next-of-kin as humanely as possible.

Institution staff and/or P&CSD staff may be utilized for this purpose. P&CSD staff are located, or have assigned agents, in every section of California.

- Telephone notification of next-of-kin should only be used when it is not possible to implement personal notification.

- In all cases a tactfully worded telegram, over the name of the Warden, shall be sent to the next-of-kin. The following format may be used:

(Name of kin)

"I regret to inform you of the death of your (relationship), name, date. Remains have been released to (name of contracting mortuary, address of mortuary). Awaiting further instructions for burial 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. We extend our sympathy in your loss."

51070.11 Removal of the Body

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, CDC Form 123, 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 burial 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 Immigration and Naturalization Office 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 3058.8.

51070.14 Responsibility of Chaplain

Upon notification of a death, the chaplain of the faith professed by the inmate will perform such immediate ceremonies as required.

If no one assumes responsibility for burial without expense to the state, the chaplain will consult with the Warden or designated authority as to the desirability of holding funeral and burial services within the institution.

The chaplain will be responsible for all specific arrangements including time and place for such services and for conducting them.

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.
- Deputy Warden.
- Associate Warden, Business Services.
- Accounting officer.
- 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 $300 should be liquidated through the office of the public administrator of the county. Excess monies over $300 shall be credited to the deceased inmate's trust account.

51070.17 Unclaimed Dead Body

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, it shall be interred in the prison cemetery, cremated, or buried by a licensed 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.

Attendance at burial services conducted on prison grounds are subject to prior approval of the Warden.

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 facility.
- Parole.
- Camps and in-transit.
- Off reservation work crews.

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, CDC Form 1502, Activity Report.
- Forward the closing summary and the death certificate to the regional records officer and Office of 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

Revised June 28, 2005

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 telegraph and further instructions requested.
- Pending receipt of instructions, the body shall be turned over to a licensed undertaker in the community where 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 Section is accurate and current.

51070.20 References

CCR, § 3357.

PC §§ 3058.8, 5021, 5061 and 11155(b).

H&SC §§ 7200, 10203, and 10250.

GC §§ 12525 and 27491.

ARTICLE 8 — CIVIL RIGHTS

Revised July 16, 1996

51080.1 Policy

The nature of imprisonment is such that some limitations must be placed upon the exercise of civil rights of inmates and parolees. Such limitations should be kept to the least possible infringement upon the civil rights the inmate would enjoy as an ordinary citizen. Limitations for the purpose of protecting the public or the security of the institution should be no greater than those reasonably needed to accomplish the purpose.

51080.2 Purpose

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

51080.3 Deprivation of Civil Rights

PC 2600 provides that 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.

51080.3.1 Inmate's Right to Refuse Treatment

With the exception of the examination or test for tuberculosis infection, or the treatment for tuberculosis disease, medical treatment, including medication, shall not be forced over the objections of a mentally competent inmate, or of the conservator of a mentally incompetent inmate, or of a responsible relative of a minor inmate, except in an emergency, or unless the provisions of Probate Code 3200 (Authorization of Medical Treatment for an Adult Without a Conservator) or the procedures set forth in DOM 54060 (concerning Involuntary Psychotropic Medication) are followed. 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 is impracticable to first obtain consent.

51080.3.2 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.

51080.4 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, CDC 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 (15) (3) 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 (15) (3) 3006.
  - Any matter concerning gambling or a lottery.

Nothing in this section shall be construed as limiting the right of prison authorities to do the following:

- Exclude any nonsoft cover books for the safety and security of the facility.
- Open and inspect any and all packages received by an inmate.
- Establish reasonable restrictions as to the number of newspapers, magazines, and books that the inmate may have in his or her cell or elsewhere in the prison at one time.

Inmate Visits

- To have personal visits. However, CDC may provide any such restrictions that are necessary for the reasonable security of the institution.

Other Rights

- To initiate civil actions, subject to a $3 filing fee to be collected by CDC in accordance with the procedures set forth in DOM 14010.
- To marry, subject to the procedures provided under DOM 53010.
- To create a power of appointment.
- To make a will.
- To receive all benefits provided for in LC 3370 and 3371 and in PC 5069.

51080.5 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., and 4853.

51080.6 Revisions

The Deputy Director, LAD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

51080.8 References

PC §§ 2600, 2601, and 5069.

LC §§ 3370 and 3371.

California Constitution, Article II, § 4.

CCR (15) (3) §§ 3006, 3136, 3141 - 3145, and 3351.
DOM §§ 14010, 53010, and 54060.

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.
- Permitted to touch anything beneath it, such as the ground, the floor, merchandise, and so forth.
- Festooned, but allowed to fall and hang free.
- Used as a drapery of any sort.

- Used as a covering for a ceiling.
- Used as a receptacle for receiving, holding, carrying, or delivering anything.
- Used as the covering for a statue or monument. (However, it may form a distinctive feature of the ceremony of unveiling a statue or monument.)
- Used for advertising purposes in any manner whatsoever.
- Draped over the hood, top, sides, or back of a vehicle, railroad train, or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.
- Fastened, displayed, used, or stored in a manner that permits it to be easily torn, soiled, or damaged in any way.
- Worn or used as an article of clothing.
- Marked on, or have placed on it or attached to it, any mark, insignia, letter, word, figure, design, picture, or drawing of any kind.

51090.8 Displaying the Flag

4 USC 6(a), permits the display of the flag for 24hours 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.
  - On Memorial Day, the U.S. Flag shall be flown at half-staff from sunrise to 1200 hours.
- State Holidays.
- Any other days proclaimed by the President of the U.S.

51090.9 Displaying the Flag During Inclement Weather

The flag shall not be flown in inclement weather unless an All-Weather Flag is displayed.

The Watch Commander, the Unit Supervisor at parole offices, and the senior ranking custody person on duty at the Community Correctional Facilities shall determine the weather conditions for the displaying of 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 Friday preceding. 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 in ascending position of honor, beneath or to 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

The President of the U.S. is the only person authorized to order flying the U.S. flag 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.

When the length of the staff creates a problem, flags are considered to be at half-staff when displayed at a height reasonably below the peak of the staff.

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.

Governor's Executive Order R29-71 stipulates that the flag at the State Capitol shall be lowered to half-staff for peace officers killed in the line of duty. By practice, this is from the time of notification until after the peace officer's funeral.

The CDC headquarters and each facility shall display the flag at half-staff for the same time period.

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.

The flag shall be flown at half-staff only for employees and retirees or at the Governor's order.

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 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.

When the length of the staff creates a problem, flags are considered to be at half-staff when displayed at the height reasonably below the peak of the staff.

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.

Knowingly 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 Section are kept current and accurate.

51090.26 References

Governor's Executive Order R29-71.

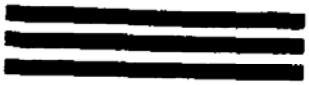
4 USC 6, 7, 8, 9, and 10.

36 USC 902.

M&VC § 614 and 1831.

Exhibit A

Flag Before Folding

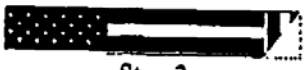


Step 1

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

Step 2

Fold lengthwise again, bringing 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 the upper edge to form a triangle.

Step 4

Now 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.

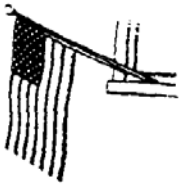
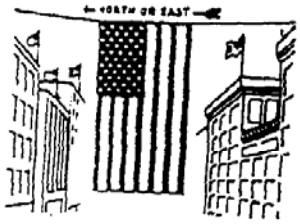
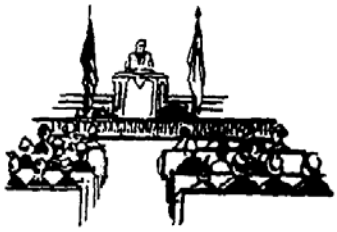
Step 5

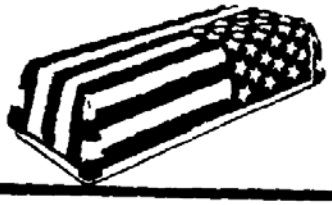
Continue to fold the Flag in triangles until the entire length of the Flag is folded.

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.

Exhibit B

CONDITION	WAY TO DISPLAY
FROM STATIONARY FLAGSTAFF	
FROM A STAFF PROJECTING FROM A BUILDING	
HANGING ACROSS A STREET	
IN THE AUDITORIUM	
HORIZONTALLY OR VERTICALLY ON A WALL OR WINDOW	

CONDITION	WAY TO DISPLAY
POSITION ON SPEAKER'S PLATFORM	
CROSSED-STAFFS	
DISPLAY WITH THE FLAGS OF OTHER NATIONS	
AMERICAN FLAG IN A GROUP OF FLAGS (NOT OF OTHER NATIONS)	
CARRYING FLAGS AT CEREMONIES	
DRAPED OVER A CASKET	

ARTICLE 10 — EMPLOYEE SERVICES

Effective December 28, 1989

51100.1 Policy

The Director, subject to the approval of the Director of General Services, is authorized by GC 11013, to establish certain concessions for the benefit of the institutional employees under his/her jurisdiction.

51100.2 Purpose

This section establishes procedures for the provision of services to employees by the institutions for the convenience of the state.

51100.3 Services

Services supplied to employees shall be established by the Warden and shall be equally available to all employees.

All services shall be rendered at the employee's own risk. The institution and the Department shall not assume liability for loss, damage, or destruction of employee's property.

All employee services shall be of no cost to the state and shall be available to employees as a fringe benefit.

No services shall be provided for non-employees which require their physical presence. Non-employees may use the employee dining room or snack bar when accompanied by an employee. This privilege is subject to gate clearance and may be revoked any time.

Wardens may request additional services by submitting a proposal and operational plan for the Director's approval.

51100.4 Service Charges

Service charges shall be established for each authorized service to employees as reimbursement for costs incurred by the state. Service charges may be on an actual or estimated basis.

When it is inappropriate to designate a special service charge, donations to the IWF shall be accepted.

Authorized employee services shall be operated on a nonprofit basis by institutional staff.

51100.5 Supplemental Procedures

Wardens and RPAs shall establish supplements to this procedure to govern the operation and use of employee services made available to employees in accordance with applicable laws and subject to the approval of the Director or his/her designee.

All supplements or modifications of procedures shall be forwarded to the Director or his/her designee for approval.

Specialized instructions contained in other forms or documents shall be referred to and approved by the Director or his/her designee.

Instructions shall include, but are not limited to, the following:

- Coupon purchase areas.
- Delivery areas.
- Hours of operation.
- Security procedures.
- Accounting procedures.
- Eligible individuals.
- Location of waiting lists.
- Limits of liability.
- Associate Warden, Business Services, responsibility.
- Instructions for the processing of donations to IWF.
- Methods for the collecting of the costs of materials and supplies utilized.

51100.6 Employee Association Operated Canteens and Concessions

Canteens or concessions may be established at state facilities pursuant to GC 11013, W&I 4313, and PC 5005 and 5006. This section shall not apply to canteens or concessions exempt from DGS approval nor to vending stands for the blind established by the Division of Rehabilitation of the Blind, DOR.

Canteens or concessions which require the approval of the DGS shall, in addition, comply with the statutory provisions under which they are established. Whether operated by a private contractor, an employee nonprofit corporation, or by the institution, the following conditions shall be met:

- The state shall be reimbursed for the actual cost of equipment, space, utilities, maintenance, and administrative services furnished by the institution. Reasonable estimates may be used where it is not possible or feasible to determine such costs accurately.
- The institution shall have the power to determine the operation of, and regulate the prices and merchandise sold at, the canteen and concessions.
- All books and records of the canteens or concessions shall be subject to audit by the state at any time.
- Each canteen or concession shall furnish the institution with a list of items for sale and prices to be charged. All items and prices are subject to the approval of the Warden.
- The canteens or concessions shall comply with all applicable statutes, health laws, rules and regulations of the Department.
- The state, its officers, and employees shall be released from liability for personal injury to the canteen or concession lessee, lessee's employees and guests, arising out of the lessee's occupation of the demised premises.
- The location of the canteen or concession may be changed at the Warden's discretion.
- The prices charged by the canteen or concession shall not exceed those charged by similar businesses in the vicinity of the institution except where the volume of business makes this impractical.
- No repairs or alterations of the premises shall be made without written consent from the institution.
- The state (institution) or the lessee may terminate the agreement upon 90 days written notification. Willful violation of rules, regulations, or terms of the agreement by the lessee, shall be grounds for immediate cancellation of the agreement and removal of the lessee.
- The state shall not be liable for any debts or claims that arise from the operation of the canteen or concession.

51100.7 Sale of State Products

The direct sale or disposal to an employee of any article, materials, or supplies owned, produced or manufactured by the Department is prohibited except where specifically authorized by law.

51100.8 Gratuities

No gift, tip or reward shall be offered by an employee or accepted by an inmate for any reason.

51100.9 Revisions

The Deputy Director, Institutions, or designee, shall ensure that the content of this section is current.

51100.10 References

GC § 11013.

PC §§ 5005 and 5006.

CCR §§ 3420-3425.

W&I § 4313.

M&VC § 1034.

ARTICLE 11 — ADMINISTRATIVE OFFICER-OF-THE-DAY

Effective December 18, 1989

51110.1 Policy

The Warden or RPA shall be responsible for the implementation of the Administrative Officer-of-the-Day (AOD) procedure. An AOD shall be assigned at institutions and parole regions 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 or RPA.

51110.2 Purpose

To standardize the AODs functions, authority, duties, and responsibilities.

51110.3 Responsibility

Wardens or RPAs shall designate staff assigned as AOD and shall maintain significant latitude in selecting positions for assignment as AOD. They shall publish the AOD assignment schedule in advance, every six- (6) months. The schedule shall specify the name and period of time each AOD shall be on duty.

The AOD shall be an administrative staff member, possessing managerial experience and authority to make decisions in the absence of the Warden or RPA. 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.

51110.4 AOD Duty Schedule

Wardens or RPAs are normally exempt from AOD duty. However, they may serve as AOD if needed. Those staff designated as AOD shall not hold a classification level less than CC-III or PA-III.

- Any anticipated change in the AOD assignment schedule shall be approved in advance by the Warden or RPA 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 or RPA 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 terminate at 5:00 PM the following Friday. Should a holiday fall on a Friday, the AOD shall assume their tour of duty at 5:00 PM on Thursday.
- Each designated AOD shall familiarize themselves with the duties and responsibilities unique and particular to their own institution/region instruction packet.
- The AOD is eligible to be granted administrative time off and overtime compensation in accordance with DOM 31080.25 and 31080.25.1.

51110.5 Training

Wardens or RPAs 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 PC 832 training as an orientation in the responsibilities and expectations of institution peace officer staff. The PC 832 training shall in no way be intended to train nonpeace officer AODs to perform peace officer duties.
    - Prior to participation in the 832 PC firearms range training, the current employer shall determine that the nonpeace 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 State DOJ and FBI.
- Institution/region procedures.
- Disturbance Control Plan.
- Incident reports.
- Firearms.
- Chemical agents.
- Escape pursuit plan.
- Employee relations/grievances/discipline.
- IPA.
- Transfer of inmates/parolees and emergency parolee outpatient care therapist contacts.
- Any other procedures unique to their institution/parole region.

51110.6 Instructional Packet

Twice annually, Wardens or RPAs 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 and parole region. The packet shall include specific examples of:

- Situations and how they are handled.
- Departmental/institution/parole region changes.
- Current inmate/parolee functions.
- Activities involving guests and outside agencies.

The packet shall provide a list of home telephone numbers of the following:

- Administrative staff.
- Appropriate outside agencies.
- Medical facilities.
- Police/sheriff departments.
- Standby Parole Agents.
- AODs.

51110.6.1 Equipment

An electronic communication device (pager unit) shall be provided to all AODs to facilitate communications.

A radio equipped state vehicle shall be provided for the AOD when available.

51110.7 Duties/Responsibility

The AOD shall become familiar with any special problems or existing situations prior to assuming AOD duties.

- A face to face briefing either between the off-going and on-coming AOD or the on-coming AOD and the Warden/Deputy Warden or RPA shall occur to exchange pertinent information and equipment.

The institution AODs shall be present at all special events occurring during their tour of duty and shall spend a minimum of four hours each weekend day and holiday at the institution.

- A personal inspection of institutions, hospital/infirmaries, lock-up, housing units, culinary, visiting areas, and any other areas noted in the AOD instructional packet, shall be conducted during these periods.

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

In all circumstances where the AOD is contacted regarding an institution/region incident, he/she shall communicate the incident, action taken, and current status of the situation to the Warden or RPA, on the first working day following the incident. A written report shall be prepared regarding all AOD contacts.

51110.8 Administrative Officer- of-the-Day/Watch Commander/Parole Reentry Standby Agent Relationship

The AOD shall not be involved with the daily supervision of institution/parole region operations during normal business hours. This shall be the responsibility of the watch commander or the parole unit supervisor.

Other than normal business hours, the AOD shall be contacted by the watch commander when any unusual incident/situation occurs. The AOD shall determine from the information provided by the watch commander the amount of staff/resources the watch commander needs to establish and maintain control of the situation. The AOD shall serve to coordinate resolution of the situation with the watch commander.

The parole region AOD shall be contacted by the re-entry standby agent when any unusual incident/situation occurs. The parole region AOD shall determine from the information provided by the re-entry standby agent the necessary staff, outside agencies, and other resources required to maintain and control the incident. The parole region AOD shall serve to coordinate resolution of the situation with the re-entry standby agent.

Should a difference of opinion exist in the course of action to be taken, the AOD's decision shall prevail. The watch commander/parole re-entry standby agent shall report their dissenting opinion in writing to the Warden or RPA on the next working day.

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

51110.9 Administrative Officer- of-the-Day Contact Responsibility Institutions and Parole & Community Services Division

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

The parole re-entry standby agent shall contact the assigned parole regional AOD on questions of policy, news media requests, politicians' request for information, law enforcement requests for searches, emergency POC therapist assistance, and all matters of unusual importance. Accurate information, details, and recommendations shall be provided by the re-entry standby agent to enable the AOD to make sound decisions and complete necessary reports.

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

The AOD shall be contacted in all incidents involving:

- Death.
- Serious injury of staff or inmates.
- Escapes.
- Serious disturbances.
- Felony assaults.
- Loss of keys to security areas.
- Other items outlined in each institution/region instructional packet.

When the watch commander/parole re-entry standby agent is unable to contact the AOD, notification of an incident shall be communicated to the Warden/RPA or designee.

- It is the responsibility of each AOD to keep the watch commander/parole re-entry standby agent informed of their location during their tour of duty.

51110.10 Written Reports

Incidents justifying an AOD contact shall be documented in writing on an AOD contact report. The watch commander/parole re-entry standby agents shall obtain available data and prepare a factual report concerning the incident. All reports shall be completed prior to the conclusion of the 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 departmental Duty Officer by the AOD. Following a departmental Duty Officer contact, the AOD shall prepare a written report concerning the contact to the Warden or RPA, prior to the start of the business hours of the following working day (refer to DOM 51030).

51110.11 CDCR series, Administrative Officer-of-the-Day Incident Report

The CDCR Form 837 series, Administrative Officer-of-the-Day Incident Report 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. (Refer to DOM 51030 for complete details.)

51110.12 Revisions

The Deputy Director, Institutions Division, and the Deputy Director, Paroles and Community Services Division, or their designee shall ensure the contents of this section are current and shall be responsible for procedural approval.

51110.13 References

CCR §§ 3276, 3291, 3335-3337, 3357, 3380-3384, 3384, 3450-3452.

PC §§ 830, 830.5 (b), 830.2 (f), 830.5 (a), (b), 830.31 (a), 832.3, 4574, 5054, 5058.

ARTICLE 12 — INMATE PAY

Revised June 11, 1993

51120.1 Policy

Prisoners engaged in productive work may receive compensation as determined by The Director with the approval of the DOF as specified in PC 2700.

The statutory limitation on inmate pay, pursuant to PC 2700, is one-half the minimum wage stipulated in LC 1182. Under such authority, separate "pay schedules" have been set by the Director for the following categories of assignments:

- Facility support and Community Correctional Facility (CCF) programs.
- Conservation camps.

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 facility/CCF support budget covering the designated function.

51120.4 Administration of Inmate Pay Plan

Wardens and the Deputy Director, P&CSD shall administer the inmate pay program of their respective jurisdictions within budgeted funds.

An inmate pay committee shall be established at each facility and in the P&CSD. The Warden or Deputy Director, P&CSD, shall designate the committee chairperson. Each parole region shall be represented on the P&CSD committee. The responsibilities of all committees shall include at least the following:

- Monitor their respective programs to ensure that pay positions have been properly classified.
- Review, and if appropriate approve, all recommendations for pay changes.
- Keep the Warden or Deputy Director, P&CSD, informed as to the operation of the inmate pay program.
- Review and approve the Department CDC Form 269, Inmate Pay Plan containing new inmate pay positions or changes in existing positions.

51120.5 Departmental Inmate Pay Committee

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

- Deputy Director, ASD (ASD) or designee.
- One Associate Warden, Business Services.
- One Prison Industry Manager.
- Deputy Director, Institutions Division or designee.
- One representative of Classification Services.
- Deputy Director, P&CSD or designee.

The Director 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 Director advised regarding the inmate pay program.
- Report to the Director, 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 facilities and CCFs.
- Develop and implement the allocation of pay positions to the best advantage of the Department and the inmate population.

Facilities and P&CSD shall furnish any reports and information requested by the departmental inmate pay committee to assist the committee in program assessment.

51120.6 Assignment to Pay Committee

Facility and parole officials shall be responsible for maintaining inmate work assignments in conformity with the overall needs of their respective jurisdictions.

The Warden or the Deputy Director, P&CSD shall designate those employees who shall assign inmates to pay positions.

Technical skill requirements for the functional operation of the facility and CCF shall be identified. All work/training assignments shall be ranked in sequential order of technical skill required. The U.S. Department of Labor Dictionary of Occupational Titles (DOT) designations shall be utilized to maintain departmental continuity.

Longevity shall not be utilized as the sole factor for pay increases. Supervisors shall establish OJT programs to expand human relations and other skills in addition to technical updating of skill requirements.

51120.6.1 Hiring Criteria

Supervisors shall fill vacant job/training positions based on the following factors:

- Skill. Demonstrating expertise of technical skills and knowledge.
- Ethnic balance. Assignments shall be balanced in the same ratio as facility ratio.
- 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.

Facilities and CCFs shall establish an application/resume process for selection of skilled workers.

The classification process shall consider the individual inmate's skills and shall have a "skills needs" list available during the hearing.

51121.6.2 Pay Scale

Effective June 11, 1993

Pay scale shall be:

- Based on total performance.
- Based on technical skill required for the position.
- Established by degree of productivity.
- Set to provide an incentive to achieve.

51120.7 Pay Schedule

The following are approved job classifications and pay rates which shall be used in facility and parole inmate pay plans.

Support and IWFs

Skill Levels and Pay Rates

Skill Level	Minimum Hourly	Monthly	Maximum Hourly	Monthly
Leadperson	$ .32	$ 48.	$ .37	$ 56.
Special Skill	.19	29.	.32	48.
Technician	.15	23.	.24	36.
Semi-Skill	.11	17.	.18	27.
Laborer	.08	12.	.13	20.

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

Special Projects

Inmates assigned to special facility/CCF projects may be paid from the support budget at rates comparable to the PIA inmate pay program.

Requests to pay inmates assigned to special projects at the higher rate shall be directed to the Deputy Director, Institutions Division, or the Deputy Director, P&CSD, for approval.

Conservation Camps

Refer to DOM 51130 for information regarding inmate pay in conservation camps.

PIA

Refer to DOM 51121 for information regarding inmate pay in PIA.

51120.8 Requirements for Pay Positions

Inmate pay positions have been established and shall be used in facility support and CCF operations. All inmate pay positions shall be assigned to one of these classifications based on position description as follows:

- Leadpersons, under direction of the staff supervisor shall:
  - Provide much of the OJT of newly assigned inmates.
  - Assist in communicating to inmates at lower skill levels.

Support and IWF

Appointment to the position of leadperson requires prior approval of the Warden or the CCF's Administrator.

Leadpersons shall not function as assistant foreman/supervisor or be assigned control over another inmate.

- Special Skills:
  - Lead clerk who has the most responsible clerical position in administration, factory, farm, office, or warehouse.
  - Lead cook who is responsible for the feeding operation with only limited or intermittent supervision.
  - Mechanics and crafts workers who are responsible for difficult and technical work and have only limited or intermittent supervision and assist in training other inmates.
  - Set up and layout men who are responsible for the operation of many complex machines.
  - Chairperson of the Inmate Advisory Council.
  - Facility firefighters.
  - Herdsmen and licensed pasteurizers.
- Technician:
  - Stenographer or clerk of a section or an operating unit of the facility or CCC whose supervisor does not have a civil service stenographer.
  - Bookkeeper who maintains double entry books involving control accounts
  - Journeyperson mechanics, craftworkers, Inspector IIs, heavy equipment operators, and chief operators of the boiler rooms who have only intermittent supervision.
  - Certified technicians in a dental laboratory or an X-ray department working under the direct supervision of licensed or certified civil service personnel.
  - Milkers.
- Semi-skills:
  - Stenographers or clerks whose positions require less responsibility and skill than the above classifications, or who are working with clerks of higher classifications. Clerical positions in warehouse.
  - Assistant clerks, assistant meat cutters, and assistant bakers.

    - Apprentice mechanics, Inspector Is, medium equipment operators, medium machine operators, medium equipment operators of boiler rooms, sewer and filtration plants. Lead floor persons who assist in the training of laborers.
    - Farming, animal production, and animal husbandry.
    - Janitors in a certified vocational training program at a licensed acute care facility.
    - Service station mechanics; photographers; journeyperson barbers, who assist in training other inmates; clerks in handicraft and canteen sales.
- Laborer:
    - Line server, scullery duties, table and floor cleaners.
    - Apprentice barbers.
    - Fire fighters.
    - Gardeners.
    - Messengers.
    - Janitors and porters in clinics and infirmary level facilities.
    - Farm and barn crews.

51120.9 Movement Between Pay Positions

Changes from one pay rate to a higher pay rate shall be based upon the:

- Recommendation of the supervisor.
- 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. For example, an inmate in the semi-skilled classification receiving an hourly wage of $0.14 who advances to technician, shall receive not less than $0.15 nor more than $.23 per hour.

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.

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 l28-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.
- 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 l0l shall be grounds for referral to a facility/CCF classification committee for program change.

51120.11 Absences

Inmates shall report to their place of assignment at the time designated by the facility's/CCF's schedule of activities and as instructed by their assignment supervisor. Inmates shall not leave an assignment without permission to do so. Unauthorized absences shall result in no credit earning for the period of the absence.

Under no circumstances shall inmate pay be granted for time not worked (PC 2700).

51120.12 Timekeeping Documents

CDC Form 191, Time Cards, are legal documents from which time credits for inmate workers are computed. All timekeeping documents shall be maintained under lock and key. Inmates shall not have access to any timekeeping documents. Refer to DOM 53130.

Timekeeping for pay purpose is documented on various time cards and logs including, but not limited to, the following:

- CDC Form 190, Inmate Payroll.
- CDC Forms 191, 191-AV, and 191-C, Inmate Time Cards.
- Prison Industries Revolving Fund Form 23, Monthly Report of Daily Hours Worked.

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 Cards

If the inmate leaves the pay position or is reassigned during the calendar month, the work supervisor shall immediately complete the CDC Form 191 and payroll card for the inmate and submit it to the division head.

Accounting Officer

Monthly, the facility/CCF accounting office, after auditing the time card, 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 Deputy Director, ASD, and the Deputy Director, P&CSD, or their designees shall be responsible for ensuring that the contents of this section are kept current and accurate.

51120.14 References

PC §§ 2700 and 2811.

LC § 1182.

DOM §§ 51121, 51130, and 53130.

United States Department of Labor DOT.

ARTICLE 13 — PIA INMATE PAY*

Revised May 17, 1993

Not Cleared For Statewide Use

51121.1 Policy

Penal Code (PC) Section 2811 specifies that prisoners engaged in productive work while assigned to the Prison Industry Authority (PIA), may receive compensation as determined by the Prison Industry Board (PIB). 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

This procedure establishes guidelines for uniform interpretation, application, and administration of the PIA inmate pay plan.

51121.3 Source of Prison Industry Authority (PIA) Inmate Pay

Inmate workers assigned to PIA programs shall be paid from the Prison Industries Revolving Fund.

51121.4 Administration of PIA Inmate Pay Plan

It shall be the responsibility of the Prison Industries Administrator/Manager at each facility to administer the PIA inmate pay program consistent with the applicable laws and the details of this plan.

The PIA inmate wage rates and any proposed changes shall be submitted to the PIB for review.

PIA inmate workers' jobs shall be covered by the United States Department of Labor Dictionary of Occupational Titles (DOT) job descriptions common to like prison industries (such as furniture factories, clothing factories, dairies, etc.). Staffing tables shall be prepared in accordance with inmate assignment quotas and submitted to the Assistant General Manager of Operations in the PIA headquarters for approval.

51121.5 PIA Inmate Pay Schedules

Hourly wage rates shall be approved by the PIB and published by the PIA. All PIA inmate positions are to be assigned to one of the following levels:

	Hourly Pay Schedule		
Title	**Step I**	**Step II**	**Step III**
Leadperson (AA)	$.75	$.85	$.95
Special Skills (A)	.65	.70	.75
Technician (B)	.55	.60	.65
Semi-Skill (C)	.45	.50	.55
Laborer (D)	.30	.35	.40

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

Leadperson (AA)/Special Skills (A)	25 percent
Technician (B)	25 percent
Semi-Skill (C)	25 percent
Laborer (D)	25 percent

51121.6 PIA Inmate Work Classification and Requirements

Leadperson

Each PIA enterprise is authorized to have one leadperson for each industrial supervisor within the operation. The leadperson shall be approved by the Prison Industries Administrator/Manager at the facility. Functions of leadperson positions shall be related to the duties of the industrial supervisor justifying the leadperson. No clerical positions are to be assigned leadperson pay.

Under the direction of the industrial supervisor, 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 supervisor'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.

Clerical

- Special Skills:
  - Lead clerk who has the most responsible clerical position in administration, factory, farm, office, or warehouse.
- Technicians:
  - Stenographer or clerk of a section or an operating unit of the facility whose supervisor does not have a civil service stenographer.
  - Bookkeeper who maintains double entry books involving control accounts.
- Semi-skilled:
  - Stenographers or clerks whose positions require less responsibility and skill than the above classifications, or who are working with clerks of higher classifications.
  - Clerical positions in warehouse.
- **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:
  - Journeyperson 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.
- **Farm Workers**
- Special Skills:
  - Herdsmen and licensed pasteurizers.
- Technicians:
  - Milkers.
- Semi-Skilled:
  - Persons in farming, animal production, and animal husbandry.
- Laborers:
  - Farm crew and barn crew.

51121.7 PIA Inmate Quota Policy

The facility Prison Industries Administrators/Managers shall determine the inmate quota for each cost center within their responsibility and adjust it as necessary by the procedures listed below. An inmate quota 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. The Prison Industries Administrator/Manager at the facility shall also keep the PIA Operations Division informed of the number of inmate assignments, which is the number of inmate workers currently assigned to each cost center by the facility.

51121.8 Establishing and Revising PIA Inmate Quotas

The following procedures shall be followed when establishing new or revising existing PIA inmate quotas:

New Enterprises or a Revised Quota of 25 Percent or More for Existing Enterprises.

Prior to the activation of a new enterprise or prior to an increase or decrease of more than 25 percent in the inmate quota for existing enterprises, the Prison Industries Administrator/Manager is to follow the below-listed procedures:

- Submit an inmate employment pay plan to the PIA Assistant General Manager of Operations for approval. The plan shall include the quota 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; the DOT job description for each pay position; and the justification for revising an existing quota.
- The inmate quota for each enterprise is to be jointly approved by (1) the Warden or designee and (2) the PIA Assistant General Manager of Operations.

Revised Quota of Less Than 25 Percent for Existing Enterprises.

Prior to an increase or decrease of less than 25 percent in the inmate quota for existing enterprises, the facility Prison Industries Administrator/Manager is to ensure that the following action occurs:

- An informational copy of the change in the inmate quota shall be forwarded to PIA's Assistant General Manager of Operations, which is to include a listing of the pay positions designating no more than 25 percent in each of the A, B, C, and D pay categories.

51121.9 PIA Weekly Inmate Employment Assignments Report

The facility Prison Industries Administrators/Managers are to ensure that information submitted on a weekly basis to the PIA Headquarters Operations Division for the Inmate Employment Assignments Report is accurate. Quotas and assignments for each cost center are to be coordinated with the appropriate facility staff.

51121.10 Movement Between and Removal From PIA Pay Rates and Skill Levels

Changes from one pay rate to a higher pay rate shall be based upon a combination of factors including, but not limited to, the following:

- The written recommendation of the supervisor.
- The inmate's accumulated work history as reflected in performance reports.
- The availability of a vacant pay position.

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 California Department of Corrections (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 classification 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 nor more than $.65 per hour. Longevity shall not be used as a criteria for the purpose of upgrading skill level.

An inmate's pay rate shall not be reduced nor will the inmate be removed from pay status except for cause, which shall be documented by a CDC Form 101 approved by the factory Superintendent and Prison Industries Administrator/Manager. 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, or a CDC Form 128-B, General Chrono. A finding of guilty to the charge may be accepted as authority to reduce the inmate's pay rate to the lowest PIA pay number or remove the inmate from PIA 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.

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 l28-B, for inclusion in the inmate's central file. The inmate shall also be given a copy of the report.

Inmates removed from their PIA assignment for reasons beyond their control, for example out-to-court or found not guilty of charges after an investigation, may return to the previous assignment at the same or closest level of pay available.

An inmate's pay rate shall not be changed in the middle of a pay period except for disciplinary reasons. Reductions shall be submitted with regular pay raises and position changes, and are processed once per month, the same as any raise or position change.

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

51121.11 Activities for Which PIA Inmate Pay Is Authorized

PIA 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 the regular workday.
- Time lost due to job-related illness or injury up to a maximum of 30 working days.
- State holidays.

  PIA inmate workers shall be paid their regular rate of pay, for the regular number of work hours per day, on all officially declared State holidays which fall within the inmate's regular work shift, but only if the inmate works the entire number of work hours available on the inmate's scheduled work day before and after the holiday. If an inmate is on excused time off "E-time," if a natural occurrence or disaster such as fog, fire, or earthquake, etc., or supervisor absence prevents an inmate from working the scheduled workday before or after a holiday, the next available day of the inmate's work schedule shall be used to determine their qualification for holiday pay.

  An inmate who works on an official State holiday shall be paid for the holiday plus their regular rate of pay for hours worked.

  Locally declared holidays do not qualify workers for holiday pay.

PIA inmates shall <u>not</u> be paid for the following:

- Late release by custody.
- Shower time, unless required as by job description.
- Lunch breaks.

51121.12 PIA Inmate Performance Appraisals

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

- 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 l0l and a CDC Form 128-B-1 shall be authorization for downgrade in pay scale and/or position, demotion, or termination by referral to the facility classification committee for program change.

51121.13 PIA Assignments for Transferred Inmates

Inmates transferring from other facilities shall be placed in the skill level/pay scale which is appropriate for the position desired if the inmate stays in the same trade area. Inmates may be placed at an equal level to the work assignment previously held at the sending facility, but such placement is not guaranteed. This placement remains subject to the availability of a position and other criteria as set forth in Department Operational Manual (DOM) subsection 51121.6.

51121.14 PIA Inmate Timekeeping Procedures

All PIA 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.

The CDC Form 1697, Inmate Work Supervisor's Time Log, and the revised scannable monthly CDC Form 191, Inmate Timecard, shall be completed on a daily basis to record work credits for inmates. The CDC Form 1697 consists of one original and one yellow copy; the yellow copy shall be provided to the inmate as a receipt for monthly credits earned. The CDC Form 191 does not provide a copy for the inmate.

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 factory 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. Headquarters timekeeping forms are to be forwarded to Materials Management.

Payrolls 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 PIA facility accountant, who must call the total inmate pay amount to headquarters Accounting Services and prepare the accounting entry which distributes the costs by enterprise.

51121.15 PIA 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-A for each fund from which inmate wages are to be paid.

The original copy of CDC Form 190-A and the accounting entry is to be submitted to the PIA Comptroller, 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. A revolving fund check shall be deposited in the inmate trust fund in an amount equal to the total of all payrolls. Payroll claims schedules shall be prepared so that the PIA Comptroller's warrant is payable to the revolving fund. An accounts receivable for the inmate payroll must not be established in the inmate trust fund.

51121.16 PIA 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 PIA employment. On an emergency basis, inmates shall be required to work overtime at the direction of the Prison industries Administrator/Manager or designee.

Inmates assigned to work/training groups A and B may accumulate employee-time-off (ETO) as an incentive in the manner set forth in California Code of Regulations (CCR), Title 15, Division 3, Section 3044, Inmate Work and Training Incentive Groups. ETO is earned by each inmate assigned to a work/training assignment for not less than 20 calendar days.

Inmates whose work/training assignments require them to work on a legal State holiday shall accrue one day of ETO for each State holiday worked. However, the maximum accrual of ETO shall not be exceeded.

Fulltime inmate workers accrue 16 hours per month and a maximum of 192 hours. Inmates required to work on a State holiday for a full day shall accumulate 8 additional hours of ETO for that day.

51121.17 Security of Timekeeping Forms

The time clock timecards, CDC Forms 191 and 1697, are considered legal documents from which time credits for inmate workers must be computed. 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 on the forms stated in DOM subsection 51121.14.

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 time worked, ETO, accrued, or used.

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. If transferred or paroled, show the facility or parole region. 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.

X WHEN INMATE IS ON THE JOB
A WHEN INMATE IS ABSENT AND UNEXCUSED FROM ASSIGNMENT
E WHEN INMATE HAS BEEN EXCUSED BY WORK SUPERVISOR. TO BE USED IN TWO-HOUR INCREMENTS.
R WHEN INMATE IS ON REGULAR DAYS OFF.
H WHEN INMATE IS OFF WORK BECAUSE OF STATE HOLIDAY.
HX WHEN INMATE WORKS ON STATE HOLIDAY. (Accrues 8 hours ETO time).
S WHEN INMATE IS UNABLE TO REPORT TO WORK THROUGH NO FAULT OF HIS/HER OWN. (For example: lockdown; supervisor absent, out-to-court as witness for the State or on subpoena; pre-release/transfer checkout).

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 for completion of processing.

51121.18 Revisions

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

51121.19 References

PC § 2811.

LC § 1182.

U.S. Department of Labor DOT.

CCR (15)(3) § 3044.

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 PIA established at any center or camp shall be approved by the General Manager, PIA.

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

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

Francisquito Conservation Camp #4 (LAC)
3510 N. San Francisquito 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

Oak Glen Conservation Camp #35
41100 Pine Bench Road
Yucaipa, CA 92399
(909) 790-1729

Owens Valley Conservation Camp #26
Route 2, P.O. Box 22L
Bishop, CA 93514

(619) 387-2686

Pilot Rock Conservation Camp #15
P.O. Box 10
Crestline, CA 92325
(619) 389-2233

Prado Conservation Camp #28
14467 Central Avenue
Chino, CA 91710
(909) 597-3917

Puerta La Cruz Conservation Camp #14
32363 Highway 79
Warner Springs, CA 92086
(310) 782-3547

Rainbow Conservation Camp #2
8215 Rainbow Heights Road
Fallbrook, CA 92028
(619) 728-2554

Vallecito Conservation Camp #1
Rural Route #1, Box 7
Angels Camp, CA 95222
(209) 736-4922

Facility–Based Camps:

Cuesta Conservation Camp #24 (CMC)
P.O. Box 810120
San Luis Obispo, CA 93401
(805) 543-2700, Ext. 49

Norco Conservation Camp (CRC) #39
P.O. Box 279
Norco, CA 91760
(909) 737-5911, Ext. 4174

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.
- 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.

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.

51130.9 Inmate Orientation

Camp personnel orient inmates upon arrival at a camp. The orientation schedule shall be in writing and filed in the Camp Commander's office. The orientation shall include, but is not limited to, the following:

- Camp living rules.
- Assignments.
- Project policies.

51130.10 Camp Register Log

A Graphic Arts Form 134, Camp Register, is maintained to record all pertinent, necessary, and important events which take place in the camp setting. The Camp Commander shall see that the Camp Register is properly maintained.

51130.11 Camp Boundaries

The CCRs provide the authority by which the Camp Commander establishes camp boundaries. These boundaries determine the limits of authorized inmate traffic. The establishment of camp boundaries shall give consideration to the cooperating agency's (CDF/LAC) needs.

- The meaning of the camp boundary signs shall be explained so that the boundaries are understood by all inmates. Inmates shall be required to sign a CDC Form 142, Camp Affirmation. The signature of the inmate shall be witnessed by a camp correctional staff member, then placed in the inmate's file.

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 escapees 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 DOM54080.) 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

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 54090.

- 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 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 53110.

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 53070.

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 53080, and PC 5006.

51130.26 Medical/Dental Procedures

The CCRs and DOM 53040 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, deportment, 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.
    - 2 handkerchiefs.
    - 3 pair underpants (cotton).
    - 3 pair jeans.
    - 4 pair socks.
    - 2 belts.

This issue of clothing is in addition to the regular clothing issue. The fire bag should also include personal health items required by the inmate for their personal hygiene needs.

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

CDC 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 CDC at the termination of the emergency assignment, 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 CDC 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 section are kept current and accurate.

51130.34 Reference

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, 54080, 54090, 55040, and 74070.

ARTICLE 15 — CONTROLLED SUBSTANCES

Revised September 1, 1998

52010.1 Policy

The 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 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 CDC 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 CDC populations, including felon and civil addict inmates and parolees are subject to testing. All confirmed positive tests shall result in sanctions and/or intervention.

52010.3 Definitions

Controlled Substance

Controlled Substance means any substance, drug, narcotic, opiate, hallucinogen, depressant or stimulant as defined by H&SC 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 CDC 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 CDC without specific authorization to do so from a licensed CDC 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 CDC institution/facility. Visitors are prohibited from possessing or being under the influence of any intoxicant or controlled substance while on or within CDC 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 CDC 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.

52010.5 Testing of Controlled Substances

The CDC shall prescribe the products, equipment, and methods for testing suspected controlled substances.

52010.6 Basis for Field Test

Field testing or on-site testing for controlled substances shall be conducted for screening purposes only.

A sobriety test shall be conducted when there is reasonable suspicion the inmate may be under the influence of a controlled substance.

52010.7 Field Testing Methods and Systems

Approved departmental testing systems are as follows:

Valtox Drug and Narcotics Screening Kit, Valley Toxicological Laboratories, Inc., P.O. Box 427, West Sacramento CA 95691.

Presumptive Testing Kit, DOJ, P.O. Box 13357, Sacramento, CA 95813.

Narkit Jr. Drug ID Testing Kit, P M Laboratories of Nevada Inc., 488 Las Palomas Drive, Point Hueneme, CA 93041.

NIK Narcotics Identification System Porta-Pac, Becton Dickinson and Company, 147 Clinton Rd., West Caldwell, NJ 07006.

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 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 11007, 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 CDC 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 authorized by institution/facility medical staff, nor may an inmate possess controlled medication prescribed to another person.

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 may not use, possess or have under their control paraphernalia related to the use or manufacture of any controlled substance, marijuana, or the fermentation or distillation of alcohol.

52010.12 Causes for Urinalysis Testing

Urine samples will be obtained from inmates for laboratory testing for the following reasons:

- Random Selection – As a condition of the inmates' participation in the Civil Addict Program, other Substance Abuse Treatment Program, program or work assignment for which such testing is required, or as a result of the institutions' random selection process.
- Suspect – When there is reasonable suspicion that the inmate to be tested may have recently used a controlled substance or the inmate is discovered to be in possession of a controlled substance or drug paraphernalia.
- Mandatory Random Drug Testing (MRDT) – As ordered based on the finding of guilt in a disciplinary hearing pursuant to CCR 3315(f)(4).
- Family Visiting/Temporary Community Leave – As a condition of participating in a Family Visit or Temporary Community Leave.

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 disciplinary action

for a positive test which could be reasonably attributed to the same instance of controlled substance use that resulted in a previous disciplinary action.

52010.14 Random Selection Frequencies

To determine the inmates to be tested on each day of testing, the CDC 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:

Civil Addict Program Population

Inmates in the Civil Addict Program are subject to random testing at a frequency of not less than ten percent of the institution's Civil Addict Program population per week.

Therapeutic Community Substance Abuse Program Population

Inmates in institutional programs providing therapeutic community substance abuse services are subject to random testing at a frequency of not less than ten percent of the institution's therapeutic community 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).

The hearing official shall document the testing requirements on a CDC Form 1879, Notice of Mandatory Random Drug Testing Requirements. The original shall be placed in the inmate's C-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 lieutenant 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).
- 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

Revised January 24, 2002

The securing of a urine sample from an inmate for the purpose of testing for the presence of controlled substances shall be conducted in accordance to CCR 3290(c).

When collecting the urine sample, staff must 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

Duties to be completed prior to the collection of the urine sample are as follows:

- Prior to the test, staff shall conduct a search of the area used to obtain the test and conduct an unclothed body search of the inmate. All possible contaminants must be removed from the area prior to the test. During the testing process the inmate shall not have contact with other inmates nor be left unsupervised.
- Establish the identity of the inmate by positive picture identification.
- Ensure that the inmate providing the sample remove all unnecessary garments and 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 test. The inmate shall also be informed that refusal to provide a sample shall result in disciplinary action.

Collection of Urine Sample

Staff shall adhere to the following during the collection of the urine sample:

- The sample collection shall be conducted in a sanitary setting and with the necessary universal precautions. The inmate shall be provided disposable gloves for use during the collection and access to clean running water after the collection is complete.
- Utilize only sample bottles, lids, and labels provided by the contract laboratory.
- Clearly observe the flow of urine into the bottle.
  - The inmate must provide 20 cc's of urine (two-thirds of sample bottle) in order to adequately accomplish the required laboratory test.
- After filling the sample bottle, the inmate shall be given a lid and instructed to secure the bottle and rinse the outside of the bottle with cold tap water. The inmate shall give the secured sample bottle to the collecting staff member.
- 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.
- Gloves used during the urine collection process will 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

Inmates who refuse or are unable to produce a urine sample shall be subject to disciplinary action in accordance with CCR 3290(d).

If the inmate is unable to provide a urine sample, the inmate shall be encouraged to drink 24 ounces of water to assist in providing a sample. The inmate shall also be allowed up to three hours to provide a sample. If an inmate is unable to produce an acceptable urine sample within this time period, this shall be considered a refusal.

52010.21 Types of Urinalysis Requests

Staff shall typically request a basic drug panel analysis unless the inmate's behavior provides reasonable suspicion of alcohol or other drug use.

Staff shall indicate the type of analysis necessary. Each category of urinalysis will detect the presence of specific substances as follows:

- Basic Drug Panel:
  - Barbiturates.
  - Amphetamines.
  - Methamphetamines.
  - Morphine (Heroin).

- Codeine.
- Phencyclidine.
- Benzoylecgonine.

Urinalysis may be specifically requested to detect the use of the following substances:

- Cannabinoid Analysis:
  - Marijuana.
- Alcohol Analysis:
  - Alcohol
- Other:
  - Other substances not listed above.

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, CDC 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 program office where the inmate is currently housed.

The officer who collected the urine sample shall document the results of the positive test on a CDC Form 115 charging the inmate with a violation of CCR 3016, Possession of a Controlled Substance.

Review of Medical Records

Medical staff authorized by the institution's Health Care Manager shall review the medical records of those inmates with confirmed positive test results to determine whether prescription medications were the cause for the positive test results.

If medical staff determine that authorized prescribed medication caused the positive test results, no disciplinary action shall be taken.

Revised January 24, 2002

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.

The ranking staff person of the facility investigative unit shall verify the controlled substances to be destroyed and sign the CDC Form 1754, Controlled Substances for Destruction, prior to delivery to the destruction site.

All controlled substances scheduled for destruction shall be submitted in sealed containers. Each box or bag shall contain not more than 15 separate pieces of evidence to facilitate random checks by the local enforcement agency coordinator assigned to the destruction site.

One investigative unit supervisor and the evidence custodian shall transport the substances scheduled for destruction to the actual destruction site and witness the destruction.

The officers shall sign the evidence log indicating the date, place and method of destruction.

The evidence custodian shall retain a copy of the court order and the CDC Form 1754.

Providing additional security required when transporting large quantities of controlled substances for destruction is the responsibility of the ranking investigating staff person submitting the controlled substances for destruction.

52010.25 Obtaining a Court Order for Destruction

Upon completion of the CDC Form 1754, the following documents shall be submitted to the court of jurisdiction to obtain a court order for destruction:

- A declaration that includes the following statements:
  - "I am a peace officer at (facility or parole unit)."
  - The cases are closed.
  - It is necessary that the items be destroyed.
- The actual completed court order to be signed by the judge.

52010.26 Controlled Substance Destruction Schedule

Destruction of controlled substances shall be on a semiannual basis.

During the months of January and July, the designated staff member/evidence custodian shall prepare a CDC Form 1754.

Initiation of the procedure should be made well in advance of anticipated destruction date due to the lengthy process necessary to secure the appropriate court order.

All controlled substances seized during the previous six-month period that are not being held as evidence for a criminal trial or a disciplinary hearing shall be listed on the CDC Form 1754.

52010.27 Revisions

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

52010.28 References

CCR (15) (3) §§ 300, 3016, 3290, 3315, 3323, 3341.5, and 3410.

H&SC §§ 11473, 11473.5, 11474, and 11054 - 11058.

ARTICLE 16 — INMATE COUNT AND MOVEMENT

Revised June 22, 2000

52020.1 POLICY

The CCR 3274 permits the institution head to develop a system to physically count inmates under his/her jurisdiction and to accurately account for those inmates at all times.

52020.2 PURPOSE

The purpose of a count is to facilitate inmate control, accountability, and to expedite inmate movement throughout the institution/facility in accordance with the established count schedule as set forth in DOM 52020.4.1.

52020.3 Responsibility

The Correctional Captain/Facility Captain is responsible for ensuring that a detailed institution/facility count is accurately conducted at the designated times.

The Correctional Captain/Facility Captain shall establish a system that regulates staff/inmate movement throughout the institution/facility.

All employees shall ensure that inmates are not involved in gathering count information nor allowed access to count records.

52020.4 Count Criteria and Number of Counts

A physical count of all inmates shall be performed a minimum of four times each calendar day, unless otherwise authorized in writing by the Director.

All inmate movement/activity shall cease when count has been initiated by 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.

Individual count totals conveyed to Central Control shall correspond with Central Control's Master Count Record which was reconciled with the Bed Vacancy Report and Master Out 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.

Standard Count Schedule

Mandated Times	Type of Count
0030/0100	Positive Count.
0230/0300	Negative Count.
0430/0500	Positive Count.
1100/1200*	Close A Custody Count, Minimum Support Facility and Community Work Crew Count.
1600/1700	Positive Count.
2100/2300	Positive Count.

*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 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 tentative out count slips 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 call in and submit their tentative out count slips no sooner than 60 minutes and no later than 30 minutes prior to count.

52020.4.3 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.

52020.4.4 Positive Counts

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 person and physically see that person.)

Once Central Control accepts the count, the positive count slip shall be prepared and submitted to Central Control showing the date, time, count total, and the signature of the staff member who actually conducted the positive count.

52020.4.5 Negative Count

If Central Control receives an incorrect positive count, a negative count shall be requested from the counting employee.

Due to double/triple bunking of inmates, it is necessary to ensure that inmates do not interchange their assigned bunks. 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 recorded on a negative count slip.

Upon direction from Central Control to perform a negative 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 telephone the negative count to Central Control. Central Control shall substantiate this information and ensure all inaccuracies are corrected.

52020.4.6 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 nonbusiness hours, emergency counts shall be approved by the Watch Commander or highest ranking officer on duty.

52020.4.7 Picture Count

When a positive or negative 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.

- 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 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 cell/bed assignment roster obtained from Central Control.

52020.4.8 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.

52020.4.9 Count Slips

The count slips used for institution/facility counts shall be designed by each institution/facility Central Control to meet the needs of their individual institution/facility design and approved by the Correctional Captain. Count slips shall be prepared in blue or black ink and shall include:

- Time count commenced.
- Actual number of inmates counted.
- Housing unit.
- The signature of the employee who conducted the 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), Center (C), 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.
- 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.

52020.4.10 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.

52020.4.11 Close Custody Count

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 Central Control

On all watches, Central Control shall log times that official counts are received on a Master Count Sheet. They shall maintain a current, accurate record of all inmates to reflect all inmate movement. Once Central Control sets up a tentative count (out counts included), 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 personal 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 polycaptor riot shields, chemical agents, weapons, and ammunition.

Central Control, on all watches, shall ensure that all information entered into the DDPS is accurate, and a Bed Vacancy Report and an automated CDC 117, Daily Record of Housing and Employment Changes, is generated at the conclusion 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.

52020.5.1 Running Count

Central Control, on each watch, shall maintain a running count. The running count shall be updated during the shift as dictated by the amount of movement that affects the institution/facility count. The running count shall be verified by cross-checking with the Bed Vacancy Report and the computer automated CDC Form 117.

52020.5.2 Inmate Picture File

The Central Control shall maintain an inmate picture file that contains a picture of each inmate and is systematically sorted by the inmate's assigned CDC number or the inmate's 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 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.

52020.5.3 Daily Record of Housing and Assignment Changes

All movement and assignment changes, as they occur, shall be made by Central Control for the affected housing unit on a CDC Form 117.

All classification and job assignment changes originating from the Classification Call Sheet or the Inmate Assignment Office shall be entered into DDPS by the appropriate Correctional or Assignment Lieutenant.

- The Automated Bed Vacancy Report/original CDC Form 117 shall be retained for one year in Central Control.
- The computer Automated Bed Vacancy Report or copy of the CDC Form 117 shall be the source of information for the DMS.

52020.5.4 GA 154, Inmate Transfer Form

All housing 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 that has not been signed by the Facility Lieutenant/Sergeant or a higher classification.

The facility Lieutenant/Sergeant shall check for accuracy of the information and sign all copies. Upon completion of the GA Form 154, the original copy shall be routed to Central Control.

Central Control shall retain the original GA Form 154. The remaining three copies are distributed and retained until entries appear on DMS as follows:

- 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.

When transferring inmates from one housing unit/building to another within the institution/facility, the inmate picture file with inmates' photo shall accompany the GA Form 154.

When transferring an inmate(s) to another institution/facility, the inmate's identification and inmate picture file with inmate's photo shall accompany the CDC Form 123, Body Receipt, or CDC Form 135, Inmate Transfer Record.

52020.5.5 Inmate Daily Movement Sheet

The inmate DMS shall list all arrivals, departures, temporary releases, out-to-courts, family visits, changes in housing, work assignments, or custody classification during the previous 24-hour period. Corrections for previous inmate DMSs shall also be listed.

To allow for workload impact on assignment operations, DMS shall have an "effective date" column 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 the 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.
- The inmate DMS shall be dated and numbered in consecutive order, starting on January 1, yearly.

52020.5.6 Summary of the Official Count by Watch

Central Control, on each watch, is responsible for maintaining the Summary of the Official Count. The Summary of the Official Count shall reflect all inmate movement at the completion of each watch. The Summary of the Official Count shall contain:

- The time the count was initiated.
- The count locations and grand totals.
- The number of inmate arrivals and departures.
- The signature of the Central Control Sergeant.

Prior to forwarding the Summary of Official Counts to the Correctional Captain/Facility Captain, the Watch Commander shall reconcile the running count sheet, count slips, and adding machine tapes against the Master Count Sheet as it pertains to their watch.

52020.5.7 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.

52020.5.8 Bed Vacancy Report

The method of verifying inmate movement shall be maintained by using the Bed Vacancy Report, which is generated by accessing DDPS, Control Room Report Menu.

When DDPS or the institution's/facility's electrical power fails, staff shall revert to using the original CDC Form 117 work sheets.

52020.5.9 Housing Roster Report

The Central Control automated computer report menu can be used to generate a Housing Roster Report in various formats (i.e., the total occupied beds by housing unit, the number of vacant beds in each housing unit, by the inmate's ethnicity, by the inmate's name alphabetically, housing, and/or numerically by the inmate's CDC number).

Each institution/facility shall determine which type of Housing Roster Report certain locations/housing units shall receive at the beginning of each day. This type of report can alleviate Central Control inquiries and assist facility staff who may need to make inquiries regarding inmate(s) current housing or make appropriate inmate housing changes.

52020.6 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).

52020.7 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 DMS as reassigned, and/or 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).
- Inmates 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's/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 1000 hours. 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 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.

52020.8.9 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.

52020.8.10 Controlled Movement

Close 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 § 2-4181, 2-4182, and 2-4183.

ARTICLE 17 — CONTROL OF DANGEROUS AND TOXIC SUBSTANCES

Effective September 8, 1989

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, toxic, volatile, caustic and flammable substances; 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, LC, 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 procedure shall establish a method for the identification, receipt, training, issue, handling (or use), inventory and disposal of hazardous substances, 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 kinds of information about employee exposure to toxic, hazardous substances.

- 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).
- In the absence of the above, any other record which reveals the identity; e.g., chemical, common, or trade name of a toxic substance or harmful physical agent.

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 Hazardous Substance

Any substance included in the list of hazardous substances prepared by the Director, DIR, pursuant to LC 6382 printed by the Division of Occupational Safety and Health, August, 1986.

52030.3.17 Impurity

A hazardous substance which is unintentionally present with another substance or mixture.

52030.3.18 Material Safety Data Sheet (MSDS)

A document which supplies information about a particular hazardous substance or mixture, as required by LC 6390. A label in 8-point or larger type, prepared pursuant to LC 6390, shall constitute a MSDS for the purposes of this section.

52030.3.19 Manufacturer

A person or company who produces, synthesizes, extracts or otherwise makes a hazardous substance.

52030.3.20 Mixtures

Any solution or intimate admixture of two or more substances which do not react chemically with each other, at least one of which is a hazardous substance and constitutes one percent or more of the mixture or exists as an impurity and constitutes two percent or more of the mixture, unless specified at different concentrations by the Director, DIR, pursuant to LC 6383.

52030.3.21 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 microfilm, x-ray film, or automated data processing).

52030.3.22 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 than one year from the date of written authorization. A written authorization may be revoked in writing at any time.

52030.4 Responsibility

Warden

The Warden shall monitor the supervision and control of dangerous and/or toxic substances. Wardens shall ensure that adherence to the methods and procedures described in this plan are followed.

52030.4.1 Department Heads and Supervisors

Revised August 18, 1992

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, toxic, volatile, flammable and caustic substances within their jurisdiction.
- Maintain a completed MSDS and CDC Form 964, Operational Control Sheet of Hazardous, Toxic, Volatile Substances , for each such substance used in the work area.
- Inform employees and inmates of the right to personally receive information regarding hazardous substances to which they may be exposed in accordance with the CCR (8) 5194 (d) (6).
- Maintain a constant daily inventory of all hazardous substances 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 for each substance used in the work area.
- Notify employees of hazardous substances present in the work area prior to the job assignment. Such notification shall consist of the following:
    - A prominently posted list of hazardous substances. The list shall indicate the manner in which the appropriate MSDSs are available as well as access to medical exposure records .

- Prominently displayed binders containing the appropriate MSDSs, 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 substances in the work area and the availability of MSDSs at the work site.

Training

Each work area supervisor shall ensure that every person required to work with or use a hazardous, toxic, volatile substance is appropriately trained in the safeguards and emergency procedures prior to being assigned to work with the substance(s).

- Training shall be provided by the supervisor from information on the MSDS.
- 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 substances 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 substance until such time as the appropriate training is completed.

Provide appropriate training on the hazardous substances used within the work area prior to using the substances. Training shall consist of:

- Any health hazards associated with the use of the substance or mixture.
- Necessary precautions for handling to prevent or minimize exposure to the hazardous substance.
- Proper use and care of protective clothing and apparatus necessary for handling hazardous substances.
- Emergency procedures for spills, fire, disposal, and first-aid.

Provide written information or training programs for understanding the MSDS.

- Furnish employees and inmates exposed to a hazardous substance with information on the contents of the substance, as stated on the MSDS for that substance.

52030.4.2 Warehouse Manager/Supervisor

All deliveries of hazardous, toxic, volatile, flammable, or caustic substances from a vendor shall be made directly to the institution warehouse. Warehouse staff are responsible for the proper receipt, labeling, and storage of such substances as provided in this section.

Upon receipt of any substance listed above, warehouse staff shall immediately check the substance against the purchase order to ensure receipt of the correct material and amount. The material must be appropriately marked to identify the substance(s) and any related hazards. Containers not so marked will <u>not</u> be accepted by the warehouse staff.

The warehouse supervisor/manager shall:

- Ensure that each container is labeled according to the National Fire Protection Association (NFPA) guidelines .
- Ensure that a properly completed MSDS is on file for the substance(s) as soon as possible. Documentation on requests for MSDS's should be maintained for any follow-up action as necessary. Specific instructions for acquiring a MSDS can be found in General Industry Safety Order (GISO) 5194.

Inventory Sheet

Develop or initiate the completion of an inventory sheet for each hazardous, toxic, volatile, etc., substance received. The following information must be included on the inventory sheet:

- Date received.
- Substance/material received (common name or brand name).
- Quantity received.
- Purchase Order (PO) number, sub-PO number or requisition number.
- Person receiving substance.
- Date substance(s) dispensed (whole or part).
- Quantity dispenses (pint(s), gallon(s), etc).
- Person dispensing.

52030.4.3 Storage

Ensure that all substances are stored in their original containers or a regulation approved container for the specific substance. All containers shall be appropriately labeled with the name of the substance(s) or mixture contained in it. Color coding shall be used to identify the hazard of the mixture, 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 substances.)

Bulk quantities of selected flammable and corrosive substances shall be stored in the warehouse's "special structure room" designated for these substances.

- Oxidizing agents shall be separated in storage from flammable or combustible materials and from mineral acids (GISO 5179).
- Substances 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 (GISO 5184).
- Special precautions shall be exercised to ensure that these substances are <u>never</u> stored with food items.

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.

- 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 substance contained in them.

52030.4.4 Containers

All containers shall be clearly marked to identify the substances contained therein. No container shall be used for a substance for which the container is not approved.

- Any containers with unidentified substances shall be reported to the fire chief. 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, toxic, volatile, flammable and caustic substances shall be maintained at all times.
- Warehouse staff shall be appropriately trained in the storage and handling of all substances contained in the warehouse.

52030.4.5 Dispensing

All substances shall be dispensed in their original containers when possible. If smaller amounts are requested, only containers approved for the substances being dispensed shall be used.

The warehouse supervisor/manager shall dispense only the amount of the substance 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's for each substance dispensed, to the appropriate supervisor requesting the substance. If a prior MSDS for the substance has been forwarded to the supervisor requesting the substance, a new MSDS shall not be forwarded unless new information has been received on that substance.

Whenever a new MSDS is received in the warehouse for any substance which previously had a MSDS, the warehouse supervisor/manager shall inform users of the substances of any new information by transmittal of a copy of the new MSDS.

Unused supplies of substances 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 substance(s) involved.

All substances received or dispensed from the warehouse shall be immediately documented on the appropriate inventory form for that substance.

52030.4.6 Audits

Monthly audits shall be performed by the warehouse supervisor/manager to ensure compliance to inventory documentation, dispensing of hazardous substances, etc. Copies of inventory audits shall be maintained until disposal and/or depletion of the hazardous substance, or for a period of two years.

Under no circumstances shall any inmate have access to the “hot room”, inventory logs, master lists of substances, or keys to any locked area containing hazardous, toxic, volatile, flammable or caustic substances.

The warehouse supervisor/manager shall ensure the proper distribution of supplies and substances from the warehouse.

Requests for any substances covered by this procedure shall be forwarded to the warehouse supervisor/manager in writing indicating who is requesting, the substance requested, the amount, and when needed.

The warehouse supervisor/manager shall maintain an accurate inventory of all substances in the warehouse. They shall maintain a master list of all substances, with copies of applicable MSDS's, in a locked (or secure) area separate from where the substances are stored.

CDC Form 964

A CDC Form 964, Operational Control Sheet of Hazardous, Toxic, Volatile Substances, “Operational Control Sheet of Hazardous, Toxic, Volatile Substances”, shall be completed indicating all the substances located in the warehouse. Copies of the MSDS for each substance shall be attached to the completed CDC Form 964. One set of copies of the CDC Form 964 and the attached MSDS 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 substances.
- The warehouse supervisor/manager shall maintain an inventory sheet (log) on each substance.
- Documentation shall be appropriately entered on the log/form for the particular substance each time a portion is issued.
- If a new substance is received in the warehouse, an updated copy of the CDC Form 964 and the applicable MSDS shall be forwarded to the fire chief immediately.

52030.4.7 Fire Chief

The fire chief shall ensure that each work area using hazardous substances has an appropriate storage area for all substances 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 substances.

Fire chiefs shall monitor the supervision and control of dangerous and toxic substances 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, toxic, volatile, flammable, and caustic substances 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 a “spill” of dangerous or toxic substance take charge of evacuation from the area and notify as soon as possible all agencies required by law i.e.; EPA, Department of Health and Water Quality Control Board.
- File required reports in compliance with federal, state, and local laws.

52030.4.8 Employees

Department employees and inmates who work with hazardous substances 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 substances, the institution fire department shall be immediately notified for emergency response.
- Reporting any loss or misuse of hazardous, toxic, volatile, flammable, and caustic substances to the immediate supervisor of the area where the loss or misuse occurred.
- Wearing and using appropriate personal protective apparatus as required for use with the substance(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 substance 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 substances at the end of the work day, the remaining substances shall be returned to the warehouse for proper storage.

52030.4.9 Asbestos and PCB's

All incidents involving asbestos or possible presence of polychlorinated biphenyl (PCB's) shall be reported immediately to the fire chief and the chief of plant operations (CPO).

The CPO and/or fire chief shall inspect or cause to be inspected the area of concern to determine if immediate action is warranted.

If the substance's presence creates an immediate danger the CPO shall notify the Associate Warden, Business Services who shall notify any and all agencies required by law.

The CPO shall take all necessary actions, including replacement or repair of contaminated material or equipment. All persons shall be evacuated from contaminated areas if warranted.

52030.5 Hazardous Waste

Unstable or unusable substances shall be removed and disposed of in a safe and healthful manner which complies with all federal, state, and local laws. The institution fire chief shall be contacted to provide for the proper disposal of hazardous waste.

Disposal Reports

A report of the tonnage of hazardous and extremely hazardous waste disposed of, both on-site and off-site, for each calendar quarter is required by the State BOE, Department of Business Taxes. The fire chief shall compile these reports.

- By the tenth of the month following the end of each calendar quarter, the fire chief shall submit a completed report indicating the amount of waste disposed of in the preceding quarter.
- Copies of each transporting manifest shall be attached to the Hazardous Waste Tax Return , and copies of the entire package forwarded to the Health and Safety Office, Central Office.
- Failure to complete the above forms in the time designated shall result in a penalty tax and interest being imposed by the State BOE. Therefore, the above reports shall be completed in a timely manner in order to ensure receipt in the Health and Safety Office not later than the tenth of the month following the end of each calendar quarter.
- It is imperative that all staff needing substances disposed of contact the fire chief so that accurate coordination and collection of data can be completed.

A contract for hazardous waste disposal shall be arranged with a licensed, approved hazardous waste transporter (Business Services has a list) 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 substances, 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 CMO or their trained designee(s). Reports of deficiencies shall be made and copies sent to the safety coordinator, the Warden 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 substances, 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

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 substances used in the work area shall be noted in addition to the deficiencies mentioned above.

Annual

Annual State Fire Marshall and DHS 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.
- Associate Warden, Business Services.
- Chief of Plant Operations.
- CMO.
- Institution Safety Coordinator.
- Deputy Director, Institutions.
- Deputy Director, Administrative Services.
- Chief, PFAB.
- Health and Safety Officer, Central Office.

52030.6.1 Plan of Correction

The Warden shall forward a Corrective Action Plan to the Health and Safety Officer, Central Office, 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 Substance 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 substance.

The watch commander and safety coordinator shall take action appropriate to the immediate need of the situation (lost, stolen, or misuse). If the substance 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 substances 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 General Industry Safety Order (GISO) 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 GISO 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, toxic, volatile or caustic substances.

52030.10 Revisions

The Deputy Director, Institutions Division, or designee, shall ensure that the contents of this section is current.

52030.11 References

CCR (15) §§ 3270 and 3303(b).

CCR (8) General Industry Safety Orders.

LC, Division 5, Chapter 25.

ACA Standards 2-4167, 2-4175, 2-4190, 2-4340 and 2-4416.

National Fire Protection Association (NFPA).

National Safety Council (NSC).

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 to 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.
  - Oxy-acetylene equipment.
  - Hacksaws.
  - Ropes.
  - Ladders (over six feet in height).
  - Portable scaffolds.
  - Pipecutters.
  - 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 52040.4.1 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 PIA 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 PIA

Each PIA lead institution production manager shall maintain a controlled 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 PIA 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 PIA 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 supervisor 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

Effective December 28, 1989

52050.1 Policy

Pursuant to the Penal Code, The Director has established a system of searches in the maintenance of safety and security of each correctional facility.

52050.2 Purpose

This section 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 and RPA shall implement, govern, and monitor training of all persons who shall be required to conduct searches in departmental facilities.

- All managers and supervisors shall ensure their subordinates are aware of and comply with this section, provide OJT, and provide general supervision of scheduled search activity.
- All employees shall be aware of the content of this section.

52050.4 Peace Officer Defined

Any correctional employee who meets the requirements as outlined in PC 830.5 is a peace officer.

52050.5 Peace Officer Authority

The authority of peace officers of the Department is outlined in PC 830.2 (g) and 830.5. A peace officer's authority to arrest extends to any place in the state while engaged in the performance of their duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under GC 8597, 8598 and 8617.

The primary function of peace officers giving rise to exercising power of arrest are limited to persons committed to the Department or being supervised under the interstate compact. A peace officer's authority extends to enforcement of laws governing institutionalized inmates, enforcement of the conditions of parole, apprehension of an escapee from a facility of the Department, DMH or other institution or community facility, transportation of inmates/parolees, and any violation of law which is discovered in the course of employment.

52050.6 Definition of Arrest

Revised April 29, 1991

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.

52050.6.1 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.

52050.6.2 Definition of Seizure

The taking, confiscating, possession or custody of contraband as outlined in DOM 52051.

- To hold under authority of law.
- To check the progress or spread of unlawful acts.

52050.7 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 believes 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.

52050.8 Miranda Rights

Revised April 29, 1991

Any peace officer effecting an arrest of any person for any criminal offense shall advise the arrestee of their constitutional rights pursuant to the Miranda decision. The arrestee shall be advised of their rights prior to any interrogation, by reading verbatim the following to the arrestee in a language that the arrestee 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/parolee has no right to silence during questioning by any Department staff member regarding non-criminal Department violations.

52050.9 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.

52050.10 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.

52050.11 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.

52050.11.1 Restraint Gear - Handcuffs/Handcuff Keys

The Wardens and RPAs 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.
- All Parole Agents.

52050.11.1.1 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).

52050.11.2 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.

52050.11.3 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 nor 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.

Note: The use of specialized mechanical restraints shall be documented except when an inmate is being transported outside the institution.

52050.12 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.

52050.13 Application

For application of restraint gear refer to Transportation, DOM 55060.

52050.14 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.

52050.15 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, RPA, or designee, to conduct searches of visitors and their property.
- Compliance with the Public Safety Officer's Bill of Rights, GC 3300.
- Post orders describing minimum search frequency requirements, authority, and method for accomplishment.
- A walk-through metal detector at the facility entrance building to inspect all persons visiting the institution (community re-entry facilities are excepted).

52050.16 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 cause to believe 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 duty officer 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.

52050.17 Searching Parolees

Revised January 4, 2006

A parolee's person, residence, and property may be searched without a search warrant by a Parole Agent or any law enforcement officer. The basis of the search shall be:

- To determine whether a parolee is complying with the conditions of parole.
- A reasonable belief that a violation of parole or law has occurred and that the parole search may produce evidence to support the alleged violation.

Evidence

Any evidence of illegal activity shall be seized. Whenever possible, the decision to search a parolee's residence shall be made after conferring with the Unit Supervisor.

Personal Property

Good judgment and respect for personal property shall be shown. Only those areas occupied solely by the parolee and those areas of common habitation may be searched. An effort to determine property ownership shall be made so that property belonging to others is not removed.

For further information concerning parole searches, arrest, and seizure by Parole Agents, the reader is directed to Department Operations Manual, Chapter 8, Article 3, Section 81030, Arrest and Parole Hold.

52050.18 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 watches 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, DD 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.

52050.18.1 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 cause to believe 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.

52050.18.2 Clothed Body Search

Custody post orders shall require random clothed body searches of inmates, or when reasonable cause 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.

52050.18.3 Unclothed Body Search

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.
- Unclothed body searches shall be conducted in an area where it can be conducted in safety and allow the inmate to preserve some measure of dignity and self-respect.
- 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.

52050.19 Search of Visitors

Any person coming onto the grounds of any Department facility or camp 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 cause to believe the visitor is engaged in criminal activity including the smuggling of unauthorized items or substances in or out of the institution, the visitor may be subjected to a thorough 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. (Refer to CCR 3292.)
- 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 cause to believe 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.

52050.20 Family Visit Search

Visitors to family visiting units shall be searched to ensure that no contraband or unauthorized items enter the institution grounds.

- During processing 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 52050.19 shall be followed.

52050.21 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.

52050.21.1 Reasonable Cause

A body cavity search of inmates shall only be initiated when there is reasonable 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. A reasonable cause may be established by:

- Reliable confidential information.

- Irregularities found in the body cavities.
- Detection of contraband on the person.

Note: Reasonable cause is not dependent upon the outcome of the search.

52050.21.2 Authorization to Search

Authorization to initiate a body cavity search requiring any degree of intrusion shall be given by the Warden, RPA, or designee after consideration of all information relating to reasonable cause.

52050.21.3 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.

52050.21.4 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 reasonable cause exists to believe evidence has been swallowed and that it is retrievable in usable form, the search process may be intensified as provided in this procedure.

52050.21.5 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.

52050.22 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.

52050.23 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.

52050.24 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 a clear and present danger 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.

52050.25 Quarantine

When it becomes apparent through medical examination that an inmate has ingested or concealed contraband in their body 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 medically approved isolated setting under constant visual supervision until the contraband can be retrieved through natural means.

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 to the inmate's health and safety.

52050.26 Documentation

Complete and detailed documentation of all body cavity searches other than visual or metal detector inspections shall be submitted to the Warden, Regional Administrator, 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.

52050.27 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 cause. (Refer to DOM 52050.21.1.) Supervision of suspect vehicle search shall be limited to the supervisory rank of sergeant or above. Documentation shall be in accordance with DOM 52050.26.

52050.27.1 Vehicles Adjacent to Institutional Property

If reasonable 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 reasonable 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.

52050.27.2 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.

52050.27.3 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.

52050.27.4 Employee Vehicles

Covered in DOM 52050.16.

52050.28 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. Mail (letters) is covered in DOM 12050.

- Inspection and search of parcels or containers received shall mean the x-raying or fluoroscoping of all packages or parcels capable of being processed through an x-ray machine.
- For inmate parcels and containers too large to be processed in the above manner, or require special handling, opening, and searching of the contents item-by-item shall be required.

52050.29 K-9 UNIT

The departmental K-9 (canine) unit shall be used for narcotic detection and tracking escaped inmates. A request for the use of the K-9 unit shall be by a lieutenant or above. All requests, oral or in writing, shall be submitted to the Warden or designee for final approval prior to use.

52050.29.1 Narcotic Searches

For narcotic searches in cells, rooms, dorms, buildings, or vehicles the following shall be adhered to:

- The area to be searched shall be secured free of inmates until arrival of the K-9 unit.
- The K-9 unit shall be escorted by a staff member from the facility to be searched or by a member of the security squad.
- A list, in writing, of those areas to be searched shall be given to the K-9 handlers upon their arrival in the area.
- Upon the completion of the search by the K-9 unit, a physical search of the area shall be conducted by designated staff.

52050.29.2 Visitor/Vehicle Search

The K-9 unit shall assist search teams in locating secreted narcotics on visitors or vehicles. The requesting staff members shall adhere to the procedures as set forth in this procedure, DOM 54020, Visiting; and 52051, Disposition of Contraband.

52050.29.3 Tracking Escaped Inmates

When it is determined that the K-9 unit is necessary for tracking escaped inmates, approval of the Warden or designee shall be obtained prior to requesting their services.

- 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 K-9 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.

52050.30 Revisions

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

52050.31 References

PC §§ 27, 830 - 849.5, 4030, 4030.5 and 11115.

CCR §§ 3005, 3177, 3270, 3287, 3288, 3289, and 3292.

GC § 3300, Public Safety Officers Bill of Rights.

ACA Standards 2-4192.

ARTICLE 20 — DISPOSITION OF CONTRABAND

Revised August 13, 1992

52051.1 Policy

Pursuant to PC 12028, The Director has established a system for the disposition of contraband. Any contraband retrieved from a body cavity, or which is otherwise suspected of being contaminated, shall be handled using appropriate safeguards (e.g., disposable plastic gloves) and shall be placed in a container which shall be clearly labeled "contaminated."

52051.2 Purpose

To provide for controlled disposal or disposition of acquired contraband items that pose a threat to persons or to the physical security of a facility.

52051.3 Responsibility for the Disposition of Contraband

The Warden or RPA shall administer and monitor the handling and disposal of contraband.

52051.4 Definition of Contraband

Any unauthorized property, materials, supplies, items, commodities, and substances received or obtained by inmate(s) from any source is contraband. (Refer to CCR 3006, and DOM 4020, Inmate Property.)

52051.5 Controlled Substances

See DOM 52010.

52051.6 Clothing: State Issue or Personal

See DOM 54090.

52051.7 Inmate Property

See DOM 54020.

52051.8 Handicraft

See DOM 54080.

52051.9 Tools

See DOM 52040.

52051.10 Dangerous or Toxic Substances

See DOM 52030.

52051.11 Disposition of Medication

Outdated and contraband medication which has been tainted by inappropriate handling by inmate patients (e.g., tampered with, misplaced, or sold) shall be disposed of by medical staff in accordance with DOM 52010.

52051.12 Confiscated Firearms, Parts, or Ammunition

Confiscated weapons, parts, or ammunition no longer required as evidence for an investigation or trial shall be turned over to the following individuals for disposal:

- In a facility, to an armorer or other designated person.
- In a parole office, to an individual designated by the RPA at the PA-II level or higher.
- In the LEIU, to a special/senior special agent designated by the Assistant Director, LEIU.
- In the Academy, to a lieutenant or higher level employee designated by Academy.

Firearms may be released to governmental agencies pursuant to PC 12028 or 12030 or surrendered to DOJ for destruction. If the firearms are 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 mailing to the Department of Treasury for

destruction. The AW, Business Services, or representative shall enclose a letter designating how the check from the Department of Treasury should be drawn. The letter and contaminated money should be packaged and mailed to:

Department of Treasury
Bureau of Engraving and Printing
O. C. S. Room 344 BEPA
P.O. Box 37048
Washington, DC 20013

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 section 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

Effective September 19, 1989

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 and the use of public telephones for personal calls by inmates.

52060.3 Use of Intrainstitution Telephone by Inmate

Inmates shall not use intrainstitution/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 intrainstitution 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 section.

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 agrees to accept all charges for the call.

52060.6 Scheduling of Outside Telephone Calls

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 privilege 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

Officers supervising the telephone sign-up shall check privilege cards to ensure eligibility for the call.

- Privilege Group A (red privilege card):
  - 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 (blue privilege card):
  - One personal telephone call period per month.
- Privilege Groups C, D, and &U (no card).
  - 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 will 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.

Authorized confidential calls shall not be monitored.

Confidential calls shall not be placed on designated inmate telephones.

52060.9 Emergency Calls

An emergency is defined as a death, serious illness, or accident involving an immediate family member. 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, Inmate 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, Chrono-General. 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 by staff 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 MCI (or GTE) 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, shall ensure that the content of this Section is accurate and current.

52060.16 References

CCR §§ 3282, 3044, 3335 and 3343.

ACA Standards 2-4228, 2-4229 and 2-4379.

ARTICLE 22 – GANG MANAGEMENT

(Previously contained in Restricted DEPARTMENT OPERATIONS MANUAL [DOM], Section 55070)

Revised September 23, 2005

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 HISTORICAL PERSPECTIVE

In 1956-57, the prison gang phenomenon began at the Deuel Vocational Institution when Hispanic inmates from East Los Angeles street gangs, predominantly the Maravilla area, joined together and formed the Mexican Mafia. Other prison gangs were subsequently formed along racial lines: The Black Family in 1966, changing its name to Black Guerrilla Family in 1971; the Nuestra Familia (Northern California Hispanics) in 1966-67; and, the Aryan Brotherhood (white) in 1968. Gang rivalry and warfare developed over control of criminal enterprises and non-gang involved individuals were victimized.

In 1971, the Department's Special Service Unit (SSU) joined with eight other criminal justice agencies/departments in the creation of the California Prison Gang Task Force.

Between January 1975 and December 1977, 195 prison gang related homicides were reported by the Prison Gang Task Force; 144 had been committed in the community and 51 had been committed in jails and prisons.

In 1978, the departmentwide gang intelligence and suppression program was initiated in response to the escalating prison gang violence. Endorsed by the Governor and approved by the Legislature, positions were created within the Division of Adult Institutions (DAI) at the Correctional Lieutenant level, the Division of Adult Parole Operations at the Parole Agent II level, and the SSU at the Special Agent**,** Senior Special Agent, and subsequently authorized Special Agent-In-Charge (SAC) levels to combat the gang problem on a full-time basis. The Secretary assigned the Deputy Director, Law Enforcement and Investigation Unit (Manager of the SSU), to coordinate the task, both within the Department and with other criminal justice agencies.

In 1982, upon request of the California Gang Task Force, the Department assumed administrative responsibility for coordinating that organization. The Secretary delegated the responsibility to the SSU. Operationally, this was assigned to the Senior Special Agent, Gang Intelligence Operations.

52070.5 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.

52070.6 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.

52070.6.1 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.

52070.6.1.1 ADMINISTRATIVE OFFICER OF THE DAY/REPORTING ACITIVITY 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.

52070.6.2 GANG IDENTIFICATION AND VALIDATION

Departmental regulations and procedures for identification of gang affiliates shall be uniformly applied. Each institution, parole region, and field office of the SSU shall assign gang investigators to identify gangs and gang involved individuals. The Chief, Office of Community Safety (OCS), shall have management responsibility for the validation of those inmates/parolees so identified by the gang investigators as outlined in this DOM Article.

52070.6.3 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.

52070.6.4 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.

52070.7 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.

52070.8 ROLE AND AUTHORITY OF THE CHIEF, OFFICE OF COMMUNITY 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.

52070.8.1 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.

52070.8.2 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.

52070.8.3 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).

52070.9 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.

52070.10 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.

52070.11 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.

52070.11.1 GANG INVESTIGATOR FUNCTIONAL SUPERVISION

The Paroles Operations Administrator shall have functional supervision over the regional gang coordinators regarding the division's gang management procedures.

52070.11.2 GANG INVOLVED PAROLEE ARREST/INCIDENT NOTIFICATIONS

The Paroles Operations Administrator shall ensure that Gang Intelligence Operations 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.

52070.12 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.

52070.12.1 RELATIONSHIP WITH DAPO AND SSU

The SAC, OCS, or designee shall maintain a close working relationship with the DAPO Administrator regarding gang management matters.

52070.12.2 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.

52070.13 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.

52070.13.1 GANG INVESTIGATOR FUNCTIONAL SUPERVISION RESPONSIBILITY

The SAC, OCS shall have functional supervision over the DAI and the DAPO gang investigators regarding investigation, identification, validation, monitoring, and tracking of gang affiliates.

52070.13.2 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.

52070.13.3 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.

52070.13.4 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 information-sharing meetings.
- Collecting, dispersing, and maintaining meeting fees.
- Handling correspondence.
- Preparing and distributing a monthly summary of reported gang activity.
- Preparing statistical reports.

52070.13.5 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.

52070.13.6 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 justices agencies.

52070.14 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.

52070.15 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.

52070.15.1 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 identify and document inmates or parolees engaged in any gang activity. 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.

52070.15.2 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.

52070.15.3 CLASSIFICATION RESOURCE

The gang investigators shall be a resource in the classification process in matters related to gangs.

52070.15.4 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.

52070.15.5 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.

52070.15.6 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.

52070.16 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.

52070.16.1 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.

52070.16.2 DISRUPTIVE GROUPS DEFINED

A disruptive group is defined as any gang, other than a prison gang.

52070.17 AUTHORIZED GANG INVESTIGATIONS

Only gangs and their affiliates specified in this DOM Article shall be investigated.

52070.17.1 PRISON GANG INVESTIGATIONS

Prison gangs, as designated by the Chief, OCS, and their affiliates shall be investigated.

52070.17.2 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.

52070.17.3 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.

52070.17.4 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.

52070.18 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.

52070.18.1 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).

52070.18.2 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.

52070.18.2.1 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, E-00000, is an associate (etc.) of the prison gang/disruptive group "X." This is supported by: (1) "Item"; (2) "Item"; etc.

52070.18.2.2 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/any prison gang/disruptive group "X." (provide an explanation.)

52070.18.2.3 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.

52070.19 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.

52070.19.1 "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.

52070.19.2 "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 or associate or former member (dropout) identifying the inmate/parolee as a member. The source items shall meet the requirements established in CCR Section 3378.

52070.19.3 "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.

52070.19.4 "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.

52070.19.5 "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.

52070.20 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 or her request, although staff may ask a subject if he or she wants to debrief. Debriefing shall entail a two-step process that includes an interview phase and an observation phase.

52070.20.1 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.

52070.20.2 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.

52070.20.3 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.

52070.20.4 MIRANDA WARNING

If during a 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.

52070.20.5 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.

52070.20. 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.

52070.20. 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.

52070.20. 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.

52070.20.8.1 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.

52070.20.8.1.1 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.

52070.20.8.2 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.

52070.20.8.3 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.

52070.21 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.

52070.21.1 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 IGI 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.

52070.21.1.1 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.

52070.21.2 VALIDATION REVIEW BY SSU

Gang Intelligence Operations, SSU, shall promptly perform a quality control review of all validation packages received. If the inmate's/parolee's gang affiliation and category of involvement has been properly identified, the identification shall be validated.

52070.21.3 VALIDATION ACTION BY SENIOR SPECIAL AGENT

The Senior Special Agent or designee shall promptly document the validation action on a CDC Form 128-B**2**. The original CDC Form 128-B**2** shall be sent to the originating gang investigator for placement in the inmate's/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.

52070.21.4 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.

52070.21.4.1 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.

52070.21.4.2 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.

52070.21.5 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."

52070.22 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.

52070.23 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 CDCR inmates, parolees, dischargees, 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.

52070.23.1 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.

52070.24 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.

52070.24.1 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.

52070.24.2 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.

52070.24.2.1 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.

52070.24.2.2 UNAUTHORIZED DATA

Data excluded from criminal intelligence file storage includes material regarding religious, political, or sexual information which does not relate to criminal conduct.

52070.24.3 CCMS SECURITY

Computers or computer terminals that have the CCMS program shall be restricted to DAPO, gang investigators, Investigative Service Unit personnel, and SSU 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.

52070.25 GANG INFORMATION RESTRICTION

Except SSU 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.

52070.26 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.

52070.27 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.

52070.28 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.

52070.29 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.

52070.30 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.

52070.31 TRAINING FOR STAFF

Peace officer and ancillary staff shall receive training regarding prison gangs and disruptive groups.

52070.31.1 INITIAL PEACE OFFICER TRAINING

Gang training shall be incorporated into the curriculum of the Correctional Officer and Parole Agent academies.

52070.31.2 PEACE OFFICER AND ANCILLARY TRAINING

Peace officer and ancillary staff shall receive ongoing gang training within their respective institutions or regions.

52070.31.3 NEWLY ASSIGNED GANG INVESTIGATORS TRAINING

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, SSU, 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.

52070.32 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.

52070.32.1 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.

52070.32.1.1 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).

52070.32.1.2 GUEST STUDENT APPLICATIONS

Guest student applications shall be submitted to the Senior Special Agent for review and approval.

52070.32.2 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.

52070.33 REVISIONS

The Assistant Secretary, OCS, shall ensure that the contents of this Section are accurate and current.

52070.34 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

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 RPAs 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.
- CDC Form 128-A, Custodial Counseling Chrono. When counseling/instructions as described above are deemed unsuccessful in correcting the problem, a CDC Form 128-A shall be prepared. The CDC Form 128-A 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 CDC Form 128-A shall include disposition of the confiscated contraband. If a CDC Form 128-A 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.
- CDC Form 115, Rules Violation Report. 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 CDC Form 115.

52080.3.1 Supervisory Review

Disciplinary reports (CDC Form 115 and CDC Form 128-A) 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 CDC Form 115

A CDC Form 115 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. CDC Form 115s 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 rule violation report 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 CDC Form 115, the offender receives a copy of the typed CDC Form 115. 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 CDC Form 115.

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 CDC Form 115 and 115-A are 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 CDC Form 115 and 115-A 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 CDC Form 115 as submitted.
- Order in writing with a copy to the inmate the CDC Form 115 reissued and reheard if**:**
  - CDC Form 115 is incomplete.
  - Due process rights were not afforded.
- Amend the CDC Form 115 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 CDC Form 115 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 CDC Form 115 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 CDC Form 115. 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 CDC Form 115s 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 an SHO, including 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

Revised April 29, 1991

Classification of rule violations may be changed as follows:

- The staff member who initially classified a CDC Form 115 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 CDC Form 115 is changed, the inmate shall be issued a copy of the modified CDC Form 115 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.

52080.3.9 Disciplinary Hearing Worksheet

A CDC Form 115-B, Disciplinary Hearing Worksheet shall be completed for compiling necessary information to be recorded on CDC Forms 115/115-A.

Information in each section shall be completed at the hearing. Information required as follows:

- Inmate's:
  - Departmental Identification Number (CDC number).
  - Name.
  - Housing.
- Violated rule number(s).
- Date of CDC Form 115. (Date of issuance of CDC Form 115.)
- Institutional log number.
- Purpose of hearing.
  - Inmate rights explained.
  - Health of the inmate (good, fair, poor, and if a problem document same).
- How did the inmate plead?
- Was hearing postponed? If so, fully explain reason for postponement and date and time hearing reconvened.
- Evidence presented at hearing. (Be concise but thorough.)
- Were witnesses requested?

- If granted, witness name, number, and their complete statement.
- If not granted, the complete reason for denial.

- List other factors considered at hearing.
- Finding - guilty or not guilty.
- Disposition.
  - Explain.
  - What is the basis for the finding? Explain.

52080.4 Administrative Rule Violations

CDC Form 115s 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 CDC Form 128-A as described in DOM 52080.3.
  - If treated as a counseling, the CDC Form 115 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 CDC Form 115 shall be issued and due process rights granted.

52060.4.2 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 CDC Form 115.

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 CDC Form 115-A. 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 DR3314.
- 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 CDC Form 115. The classification committee review shall ensure the CDC Form 115 is accurate, complete, contains required documentations, and the inmate received due process rights. The committee shall review any confidential material used during the disciplinary hearing to ensure proper application thereof.

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 when 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 CDC Form 115-A 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 CDC Form 115. 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, Order and Hearing for Placement in Segregated Housing , 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 waived 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 nor specify 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

CDC Form 115, CDC Form 115-A, 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 from the date of discovery of information leading to the disciplinary charges or, in the instance of an escapee, 15 days after the escapee's return to the custody of the department, or when an inmate is in out-to-court status, 15 days after return to the custody of the department.

- 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 of 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 and 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

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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 CDC Form 115 or 115-A.

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 BPT 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 CDC Form 602, Inmate/Parolee Appeal Form, 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 CDC Form 115 or 115-A shall be given to the inmate. A copy of the completed CDC Form 115 or 115-A 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 other reasons, the documents prepared for and used in the disciplinary process shall not be placed in any file pertaining to the inmate. However, two copies of any CDC Form 115 or 115-A report used in the process shall be completed as to findings and disposition. One copy of the completed report shall be filed in the Register of Institution Violations. The original copy shall be given to the inmate. All other copies of the CDC Form 115 or 115-A report and all related supplemental reports shall be destroyed.
- 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 CDC Form 115 is reversed or dismissed on appeal, or when information reported on a CDC Form 128-A 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 CDC Form 115. 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 units.
- 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 or Deputy Director, Institutions Division.
  - 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 Deputy Director, Institutions Division, or the departmental duty officer shall be notified when such an emergency exists for longer than 24 hours. Institution and department 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. Cigarettes in an inmate's possession at the time the inmate is placed in DD may be excepted.

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 physician, Registered Nurse (RN) or an MTA. 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 Management Cell

An inmate who persists in unduly disruptive, destructive, or dangerous behavior and who will not heed or respond to orders and warnings to desist from such activity, may be placed in a management cell on an order of the unit's administrator or, in their absence, an order of the watch commander. In addition to any necessary incident or disciplinary reports, the matter shall be reported to the Warden, chief disciplinary officer, or AOD, one of which shall review management cell resident status daily. An inmate who requires management cell placement for longer than 24 hours shall be considered for transfer to a psychiatric management unit or other housing appropriate to the inmate's disturbed state.

52080.22.5 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 CDC Form 115 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 reassignment 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 Management Unit (PMU)

PMU 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 Deputy Director, Institutions Division, or designee shall ensure that the content of this section is current.

52080.35 References

PC §§ 2081, 2931, 2932, 2933, 3060, 5054, 5058, and 5077.

W&I § 3051.

GC § 11346.2d.

Wright v. Enomoto (1976) 462 F. Supp. 397.

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 should 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&CD 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.

52090.20.1 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.

National Fire Protection Association Life Safety Code.

PC.

VC.

ARTICLE 25 — *UNASSIGNED*

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.

Permanent 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 Airman (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 aide agreements with local law enforcements 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 — MARRIAGES

Revised February 10, 1999

53010.1 Policy

PC 2601 provides that all persons sentenced to the Department have the right to marry.

Unless legitimate penological interest would dictate otherwise, inmates shall be permitted to marry when they meet all legal and departmental requirements.

53010.2 Purpose

The purpose of this procedure is to provide guidelines for the processing of inmate marriage requests and the solemnization of marriages.

53010.3 Definition of Marriage

"Marriage" is defined in California Family Code (FC) 300, as follows:

"Marriage is a personal relation arising out of a civil contract between a man and a woman, to which the consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed by the issuance of a license and solemnization as authorized by (other provisions of this code)."

53010.4 Roles and Responsibilities

The FC sections relating to the issuance of marriage licenses and the solemnization and registration of marriages vary from county to county. In each county, the County Clerk is designated as a Commissioner of Civil Marriages and the County Recorder is the local registrar of marriages. These county officials may choose to deputize others to perform these functions. (Thus references in this section to County Clerk, County Recorder, or Commissioner of Civil Marriages include any deputies they may have designated or appointed.)

The institution head (or designee) shall be responsible for ensuring that the facility adheres to the county's marital guidelines as set forth by the Office of the County Clerk and the County Recorder within their respective jurisdiction.

53010.5 Legal Requirements for the Issuance of a Marriage License

Before marrying, the FC requires that a license be obtained from the County Clerk. Marriage licenses expire 90 days after issuance and must show the identity of the parties, their full names, places of residence, and ages. The County Clerk may issue a marriage license when all legal requirements have been met by the applicants, including payment of license fees. Marriage license applications require information regarding the parties State of birth, number of previous marriages and the manner and date of termination of the last marriage, usual occupation, years of education completed, and each party's parents' name and State of birth. This additional information is required by statute for the State's Registrar of Vital Statistics, which registers marriages in this State.

Both parties must appear together before the County Clerk with appropriate identification, including proof of age. The County Clerk may examine the applicants for a marriage license under oath to ascertain whether they meet the legal requirements. The County Clerk may send a Deputy Commissioner to a CDC facility, or deputize an employee of a CDC facility as a Deputy Commissioner to collect this information from an inmate, and ascertain if the inmate meets the legal requirements to obtain a marriage license.

The FC prohibits granting of a marriage license if either applicant lacks the capacity to enter a valid marriage or is, at the time of making application for the license, under the influence of an intoxicating liquor or narcotic drug. A person lacks the capacity to marry if:

He/she is under age 18, unless that applicant has both the consent of his/her parent(s) and a court order granting him/her permission to marry.

He/she is already married to the other applicant. (A marriage license may not be issued to applicants who are already validly married either in California or in another State.)

He/she is already married to another person and no final dissolution has been entered. Such a marriage would be considered to be bigamous.

***Note*:** The PC sets forth criminal penalties for persons who solemnize incestuous or other marriages forbidden by law.

Requirements for Confidential Marriages

The requirements for a confidential marriage are set forth in FC 500, which reads:

"When an unmarried man and an unmarried woman, not minors, have been living together as husband and wife, they may be married...by a person authorized to solemnize a marriage..."

Procedures for Obtaining Confidential Marriage Licenses

The procedures for obtaining marriage licenses for confidential marriages are somewhat different. If either or both of the parties to be married is physically unable to appear in person before the County Clerk, the FC requires the County Clerk to issue a confidential marriage license to the person solemnizing the marriage upon that person's presenting an affidavit to the County Clerk, signed by the person and the parties to be married, explaining the reason for the inability to appear. The FC also requires County Clerks to issue confidential marriage licenses to approved notaries public who pay the license fees and who are reimbursed by the applicants for these fees.

Note: The County Clerk has the authority to approve, for a limited term, a notary public to authorize confidential marriages. This person may be an employee of the CDC facility. The notary public is required to attend a specified course of instruction, and pay a fee. This approval is subject to suspension in specified situations. (Refer to FC 530 through 536 for other applicable provisions.)

- Since confidential marriages are permissible only when the applicants have been living together as husband and wife, the applicants must understand they are stating under penalty of perjury that they have been living together as husband and wife.

As with other marriage licenses, a confidential marriage license issued by the County Clerk is valid only for a period of 90 days after its issuance, but unlike other licenses, a confidential marriage license may only be used in the county in which it was issued.

The form for the confidential marriage license is different from a conventional marriage license and includes a certificate of marriage that is used in solemnizing the marriage.

There is a statutory fee for filing of confidential marriage certificates that must be paid when the license is issued.

53010.6 Solemnization of Marriages

Marriages, whether conventional or confidential, may be solemnized at a CDC facility by any of the following:

- A priest, minister, or rabbi of any religious denomination. This may include a facility chaplain, or a person not employed by CDC who is chosen by the parties and who is able to obtain gate clearance.

- Staff may contact the inmate's religious denomination to determine whether the non-CDC clergy is ordained to solemnize marriages. The denomination's decision shall be accepted. During contact with representatives of the inmate's religious denomination, staff shall be cautious to avoid making any statements or implications regarding the inmate's religious or secular qualification or responsibilities.
- A current or former State or federal justice, judge, or magistrate.
- A current or retired Commissioner of Civil Marriages.
- An official of a nonprofit religious institution, whose articles of incorporation are registered with the Secretary of State, and who has been licensed by the county to solemnize the marriages of persons affiliated with, or members of that religious institution. The official must possess the Degree of Doctor of Philosophy and must perform religious services or rites for that religious institution on a regular basis. These marriages shall be performed without fee to the parties.
- The FC provides that the requirements for solemnization do not apply to members of religious societies or denominations that do not have clergy to solemnize marriages. However, the FC requires that members of such groups make, sign, and attach to the marriage license, a statement showing:
- The religious society or denomination of the parties and that the marriage was entered into in accordance with the rules and customs of that society or denomination.
- The fact, time, and place of entering into the marriage.
- The signatures and residential addresses of two witnesses to the ceremony.

Presentation of License

Statutes mandate that the person solemnizing the marriage require the presentation of the marriage license before solemnizing the marriage. Not to do so subjects that person to criminal penalties. The license is part of the certificate of registry given to marriage license applicants by the County Clerk.

Form of Ceremony

The FC does not require any particular form for the marriage ceremony, although it does require that the parties declare, in the presence of the person solemnizing the marriage and witnesses, that they take each other as husband and wife.

Witnesses

The FC requires, for conventional but not for confidential marriages, at least one witness other than the person solemnizing the marriage. There are no specific qualifications for witnesses. Those religious groups who do not have clergy to solemnize marriages (see above) must have two witnesses.

53010.7 Authentication of Marriages

When a couple obtains a marriage license, they also receive a certificate of registry of marriage. The purpose of registering a marriage is to provide a permanent record of the marriage for the State Registrar of Vital Statistics. This certificate must be presented to the person solemnizing the marriage along with the license. That person completes the certificate, signs it, and has at least one witness (for conventional marriages) sign it and record his or her address.

For confidential marriages, the confidential marriage license (including certificate) obtained from the county clerk is filled out by the parties to the marriage and authenticated by the person solemnizing the marriage. The form is printed in duplicate and a copy is required to be given to the parties at the time of the ceremony. The person solemnizing the marriage is also required to give the parties an application to obtain a certified copy of the certificate, which shall be filled out and returned to the county clerk by the person solemnizing the marriage.

The person who solemnized the marriage is required by statute to return the marriage license and the completed certificate of registry to the county recorder in the county in which the license was issued within 30 days after the ceremony. The statutory fee for filing confidential marriage certificates should have been paid at the time the license was issued by the county clerk. Failure to file the license and certificate within this time frame may subject that person to criminal penalties. The original certificate is forwarded to the State Registrar of Vital Statistics.

If a copy of the marriage certificate is requested by the couple, the person solemnizing the marriage shall issue a ceremonial marriage certificate showing the fact, date, place of the marriage, names and residences of witnesses, and the name and official position of the person solemnizing the marriage. Such certificate has no official significance, but serves primarily as a memento.

53010.8 Processing the Marriage Request

The inmate's caseworker or a staff member designated by the facility head shall process the marriage request.

Processing the marriage request shall include:

Checking all available data on the inmate's current marital status.

Notifying the inmate of the legal requirements and assistance available in gathering documents and developing marriage plans. When necessary, this shall include verifying the recognized standing of a requested clergy.

Obtaining approval from the facility administrator for:

- The date and location of wedding.
- The allowance of up to two inmates and ten non-inmates, not including the officiant, bride and groom. Inmate guests may attend only if their Inmate Work Incentive Program is not interrupted.

Furnishing necessary information to the County Clerk or clergy. At the request of the County Clerk, the staff member facilitating the marriage may arrange for an evaluation by a CDC psychiatrist to determine the inmate's mental competency.

Coordinating staff efforts necessary to perform the marriage when the wedding plan is approved by the institution head or designee for:

- Gate clearance of outside guests.
- Gate clearance of outside clergy.
- Arrangements for wedding photographs.

53010.9 Pastoral Duties/Officiating at Marriages

Facility chaplains may officiate the marriage. However, the facility chaplain, by virtue of their religious affiliation, shall establish the criteria which shall be met by the applicants if the facility chaplain is to officiate. Facility chaplains shall provide the criteria to their supervisors.

53010.10 Revisions

The Deputy Director, Institutions Division, shall ensure that the content of this section is accurate and current.

53010.11 References

PC §§ 359, 360, and 2601.
CCR (15) § 3216.
EC § 663.
FC §§ 301 et seq, 400, 402, and 500.
H&SC §§ 102100 et seq., 102285, and 103125 et. seq.
GC § 26840 et seq.

ARTICLE 28 — INMATE ACTIVITY GROUPS

Revised September 26, 1991

53020.1 Policy

The facilities shall initiate leisure time inmate activity groups which promote educational, social, cultural, and recreational interests of inmates.

Group and individual activities which violate the law or rules and regulations of The Director shall not be permitted.

Inmate clubs, activity groups, associations, or other organizations within the facility are permissible only when specifically approved by the Warden and are in compliance with this section. When reasonable cause exists, including but not limited to noncompliance with CCR, facility approved by-laws for the group, etc., the Warden has the authority to disband any previously approved club, activity group, association, or organization operating within the facility

53020.2 Purpose

This section provides standards for organization and proper administration of inmate activity groups.

53020.3 Approval of Activity Groups

Authority to approve the formation of inmate activity groups is restricted to the Warden.

53020.4 Group Plan of Operation

Any group of inmates desiring to organize and function as an activity group shall submit a plan of operation to the Warden for approval by the chain of command.

The group plan of operation shall conform to facility guidelines and include the following:

- The group's proposed name shall reflect the general nature and interest of the group.
- The purpose of the group, membership, frequency and type of meetings, size limitations, outside affiliation, and delineation of group's governing body.
- By-laws shall be reviewed at least annually by the Warden, or designee, and updated when changes are approved.
- The Warden can terminate an activity group for reasonable cause.

53020.5 Activity Group Criteria

Each activity group's plan of operation shall include and be consistent with the following criteria:

- Establishment and operation of any activity group requires agreement of a permanent full-time employee to serve as the group sponsor.
- One or more co-sponsors may also be required depending on the complexity of group activities.
- The activity group's purpose and activities shall not violate or conflict with laws, rules, and regulations of the Director, or the Department's procedures.
- The group members, or individuals representing the group, shall not advocate or support disruption of order or hinder lawful authority.
- Membership shall not be denied because of the inmate's race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, age, or sexual orientation.
- Membership fees, dues, or donations to the group shall not be a condition of membership or for participation in the group's activities.
- Any funds or property collected by the activity group shall be administered in accordance with DOM 53110, Charitable Fund Raising Campaigns.
- Group meetings and correspondence shall be conducted in a language readily understandable by the group's sponsor, co-sponsor, or other employee supervising the activity.
- A group shall be permitted only if it provides a benefit to the participants justifying the use of state staff time, materials and facilities. Determination of benefit shall consider the following:
    - Whether the group is unnecessary because the benefits are available through existing facility programs or activity groups.
    - Space is available for meetings and activities.
    - Participant's ability to repay state costs and meet future financial obligations.
    - Whether the group shall benefit or disrupt general facility operations and nonparticipating inmates.
    - Whether participation shall assist the inmate to return to a normal life upon release.
    - Whether the group shall interfere with normal programs established to meet the needs of the inmate work/training incentive program.

53020.6 Group Administrator

The Warden shall designate an associate Warden as Group Administrator to supervise the activities of all local inmate activity groups.

Responsibilities

The Group Administrator shall:

- Review proposed inmate activity group plan of operation and recommend in favor of or against approval by the Warden.
- Make personal contact with inmates, staff and outside participants to ensure that everyone concerned understands the plans of operation.
- Audit inmate group activities to ensure that plans of operation are followed.
- Select and train group coordinators and sponsors.
- Maintain a current list of approved inmate activity groups, including a list of members and officers of the groups, and a copy of their plans of operation.
- Review and approve or deny requests for outside participants to attend inmate group activities.
- Arrange for temporary supervision of groups when the sponsor cannot attend a scheduled meeting.

53020.7 Group Coordinator Responsibilities

The Group Administrator shall designate one or more staff members at not less than Lieutenant or CC-II level to function as Inmate Activity Group Coordinators.

The Group Coordinator shall:

- Schedule group meeting times and places.
- Assist in audit of group activities by frequent attendance of each group's meetings at least once each quarter.

- Screen requests for outside participant attendance at group meetings or special activities.
- Recruit and train personnel to act as Inmate Activity Group Sponsors and Co-Sponsors.
- Audit annually all group funds and expenditures.

53020.8 Group Sponsors and Co-Sponsors

Group sponsors and co-sponsors shall be full-time permanent employees who have completed probation.

Sponsors and Co-Sponsors shall:

- Submit a request to sponsor an inmate activity group to the group coordinator for approval.
- Learn their responsibilities as defined in this procedure.
- Review the group's constitution and by-laws to familiarize themselves with the group's philosophy, goals, and approved operating parameters.
- Review and approve all correspondence to and from the group.
- Assist inmates with preparation of proposed plans of operation which shall meet the criteria for approval by the Warden.
- Assist the group coordinator, the group administrator, and the Warden as necessary in their review and understanding of the proposed plan of operation.
- Ensure that constitution and by-laws are reviewed annually, updated when necessary, and submitted through the group administrator for approval by the Warden.
- Assist the group coordinator in scheduling meeting times and places.
- Attend all meetings held by the group or, if unable to attend, arrange for attendance and supervision by a co-sponsor or other authorized employee.
- Cancel any meeting for which proper supervision cannot be provided.
- Audit group's activities, attitudes and inclinations as reflected in the verbal and written matter of the group and its members.
- Report any deviation or diversion of the group's interest that are beyond acceptable limits or require the attention of other facility staff.
- Review requests for outside participation in group meetings or activities. Assist in identifying proposed guests and evaluate the impact of their presence on the group and security of the facility.
- Submit lists of proposed outside participants in advance of the meetings/activities to the group coordinator for approval.
- Require that outside participants receive orientation regarding participation in group activities.
- Supervise orientation of new group members on policies and procedures of the group.
- Maintain attendance records of outside participants and group members.
- Prepare and submit monthly activity report.
- Propose that publicity or promotional material shall not be distributed until approved and signed by the sponsor, who shall present it to the group coordinator before posting or distribution.
- Evaluate requests for copying or printing of group material. If a document is approved for reproduction, the sponsor shall sign each page and attach a signed note to the document indicating the number of copies authorized. Paper shall be provided by the group. The request shall be forwarded to the group coordinator for approval prior to duplication.
- Screen any written material, books, pamphlets, tracts or lesson plans, etc., including photographs, pictures, drawings or posters donated by outside participants as well as video cassettes, movies or other visual aids. Document approval or disapproval.
- Approve/disapprove and sign all group trust withdrawal requests.
- Submit pay vouchers to the group coordinator.
- Inform the group coordinator if no longer interested in sponsoring a group.

53020.9 Outside Participation in Inmate Activity Groups

The participation of outside guests in group meetings and activities shall be by the invitation of the group sponsor.

All guests shall be processed as described in DOM 31040, Volunteers.

The number of guests at any regular meeting or special event shall be approved by the Warden.

Annual Banquets

Each approved activity group may be allowed one banquet per year.

Charges for meals will be in accordance with DOM 54080, Food Services.

53020.10 Revisions

The Deputy Director, Institutions Division, or designee, shall be responsible for ensuring that the content of this section is kept current and accurate.

53020.11 References

CCR (15) §§ 3020, 3233, 3235, 3237, and 3263.

ACA Standards 2-4456, 2-3359 and 2-4455.

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 53130, 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

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. Packing 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.

53050.7 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 — RELIGIOUS PROGRAMS

Revised July 20, 1992

53050.1 Policy

The Department shall make a reasonable effort to provide for the religious and spiritual welfare of all interested inmates.

53050.2 Purpose

The purpose of this section is to provide guidelines for the religious program.

53050.3 Responsibility

Wardens are responsible for the religious programs in the institution and conservation camps. They shall meet quarterly with staff chaplains and Native American Spiritual Leaders.

The Chief Deputy Warden or an AW, shall provide supervision of the staff chaplains, intermittent chaplains, and part-time chaplains.

Staff chaplains shall develop, supervise, and operate their assigned religious programs.

53050.4 Chaplain and Native American Spiritual Leaders' Duties

The pastoral duties of a chaplain and Native American Spiritual Leader shall consist of the following:

- Conducting worship:
  - Regular daily and/or weekly worship services, special religious services on religious and national holidays, interfaith services, memorial services, and funeral services.
- Administering Sacraments:
  - Baptism, Confession, Communion, Confirmation, Sacrament of the Sick and Marriage.
- Pastoral visiting:
  - Hospital, work programs, visiting areas, housing units, camps, group activities, and families of inmates.
- Religious education:
  - Scripture studies, liturgy, history, comparative religion, religious values, contemporary issues, and sacred music.
- Counseling:
  - Individual, family, marital, prerelease planning, and other pertinent counseling issues.

53050.4.1 Duties of Chaplain in Case of an Inmate Death

See DOM 51070, Death, for procedures.

53050.4.2 Privileged Communication

Clergy have the right to privileged communication in the performance of their duties to the extent that the information in no way threatens or hinders inmate lives, staff lives, or in any way breaches the security of the facility.

53050.4.3 Ecclesiastical Responsibilities

The staff chaplain is responsible in his ministry to the source of his ecclesiastical endorsement and to the Wardens. This dual role shall not impose upon the institution a program in conflict with good correctional management.

53050.4.4 Pastoral Duties–Officiating at Marriages

Staff chaplains may officiate at the marriage of inmates. However, the staff chaplain, by virtue of religious affiliation, shall establish the criteria consistent with the provisions of DOM 53010, which shall be met by the candidates, if the staff chaplain is to officiate. Staff chaplains shall provide their supervisors with these criteria.

See DOM 53010 for procedures.

53050.4.5 Funerals and Memorial Services

Chaplains and Native American Spiritual Leaders may, with authorization of the Warden, conduct or coordinate funerals and/or memorial services for deceased inmates and/or their families.

53050.4.6 Pastoral Services to Parolees

Staff chaplains and Native American Spiritual Leaders may minister to parolees and their families with the approval of the Warden and the RPA of the P&CSD.

53050.4.7 Pastoral Services to Employees

Staff chaplains and Native American Spiritual Leaders may minister to employees who make personal requests.

53050.4.8 Pastoral Administrative Functions

Staff chaplains and Native American Spiritual Leaders shall be responsible for management of their offices, preparing and submitting reports, incoming and outgoing correspondence, and record keeping.

Staff chaplains and Native American Spiritual Leaders shall:

Budget

Be required to submit their budgetary requests in writing through their supervisors.

Facility Emergencies

Be available to assist as required in institutional emergencies as far as the dignity of their office and conscience will permit.

Serve on Various Committees

Staff chaplains and Native American Spiritual Leaders may be called upon to serve on the institution classification committee, be a member of various institution committees, attend institutional staff meetings, and serve on departmental committees or task forces.

Working Hours and Training

They may be required to work irregular hours due to the nature of their profession, attend religious retreats and conferences to maintain ordination and certification status, develop training opportunities for clergy, theological students, and religious volunteers where such programs provide a helpful service to the religious activities of the institution.

They are not required to participate in firearm or physical training.

53050.5 Religious Program Activities

The religious programs shall include activities that will encourage inmate participation. The activities may include the following:

- Regular and special religious worship services.
- Special religious observances of the faith group.
- Religious education.
- National commemorative services.
- Interfaith services.
- Meditation services.
- Religious literature distribution.
- Outside religious group participation.
- Self study religious courses.
- Speech forums.
- Service projects.
- Religious interest groups.
- Religious societies and organizations.
- Participation in community betterment programs.

To implement the religious activities program, the Wardens may obtain the following qualified persons:

- Muslim, Jewish, Catholic, Protestant chaplains and a Native American Spiritual Leader on a full-time, part-time, or intermittent basis.
- Volunteer non-paid community clergy and/or religious or spiritual leader representatives.
- Inmates.

53050.6 Worship Services

Chaplains and Native American Spiritual Leaders shall be responsible for:

- Organizing, scheduling, and conducting the worship services and religious programs appropriate to their faith.
- Approving the scheduling and conducting of worship services and religious programs by volunteer community clergy and volunteer religious representatives.

53050.6.1 Scheduling of Worship Services

Reasonable time for religious services, in keeping with institution security and other normal and necessary operations and activities within the institution, shall be allowed.

Insofar as possible, other institutional activities shall not be planned which will conflict with or disrupt scheduled religious services.

53050.6.2 Inmate Assistant

Inmates may assist in conducting worship services and in the religious programs or as" Sweat Leaders."

53050.6.3 Use of Inmate Ministers

In the event an officially ordained chaplain of a particular faith cannot be obtained to conduct services within the institution for that faith, the Warden may at his/her discretion, and subject to such controls as are reasonably required for institution security, designate a qualified inmate to minister to the religious needs of that particular faith.

In determining the qualifications of an inmate to conduct such services, the Warden shall, wherever possible, seek the advice and counsel of outside religious leaders of that faith.

No inmate shall be assigned as a minister or as a religious counselor on a full-time basis in lieu of regular institution work and program assignment, nor shall any inmate who is approved to minister to the religious needs or interests of other inmates be considered as a state employee or be paid by the state for his or her services.

53050.6.4 Inmate Attendance

Inmate attendance in the religious program shall be voluntary.

53050.7 Special Religious Services/Programs

Religious services/programs may be conducted in special areas of the institution when an individual or a group of inmates cannot participate or attend the regular institution religious services/programs.

The staff chaplain and Native American Spiritual Leader shall be responsible for establishing religious services and instruction for individual inmates housed in a special housing unit. These services shall be coordinated through the unit captain and approved by the associate Warden.

53050.8 Location and Use of Chapel

Chapel facilities are designated for daily religious uses and programs. Use of the chapels for other than religious activities shall require the approval of the Warden.

Wherever feasible, multi-faith chapels or individual chapels for faith groups represented by a substantial number of inmates shall be provided at each facility.

Where only one chapel is available, a schedule for the use of the chapel shall be prepared by the staff chaplains and approved by the Warden or designee.

Where chapels are not available, the Warden shall designate a suitable area for the religious services and approve the scheduling of services in such temporary facilities.

53050.9 Location and Use of Sweat Lodge

The designated area in which the American Indian Sweat Lodge is situated is to be considered sacred. The sanctity must be observed and preserved, not only by inmates, but staff as well.

53050.9.1 Sweat Lodge Ceremonies

The designated pipe holder, volunteer spiritual persons or the leader of the religious group are responsible for organizing and conducting the sweat ceremonies.

A sacred pipe is used during sweat ceremonies and prayer offerings. It shall be retained by a designated pipe holder, who shall be responsible for the protection of the pipe and pipe bag.

All sacred items used in the sweat lodge ceremony may be acquired from the Native American community or from an approved vendor of Native American supplies. Only those items approved by the Warden or his/her designee shall be permitted.

The Sweat Lodge ceremonies consist of, but are not limited to, the use of the following sacred items.

- Sacred pipe and pipe bag.
- Kinnikinnick.
  - Mixture of red willow bark, cedar, tobacco, bear berries, yellow willow bark, and herbs.
- Eagle feathers.
- Sage.
- Sweet grass.
- Buffalo or deer skull.
- Antler.
- Lava or river rocks.
- Water.
- Non-metallic dipper and non-metallic bucket.

53050.10 Sacramental Wine and Religious Artifacts

Wine and religious artifacts approved by the Warden for sacramental and worship purposes may be brought into the institution.

Chaplains shall have prior written approval to purchase and bring into the institution the sacramental wine.

The approval, signed by the Warden or designee, shall accompany the wine through the normal security processing of each given facility.

The sacramental wine shall be maintained in a specified secured location inaccessible to inmates. The applicable chaplain shall remove the wine on the day of use and maintain control of the wine until the religious ceremony is concluded. The applicable chaplain will then return the unused portion and/or the empty container to the designated secured location.

Religious artifacts are those items which American Indians wear on religious/ceremonial occasions and include their tribal designations, personal and religious totems and items which have spiritual significance in their lives. The items may be distinguished by tribal colors and tribal totems.

These items include, but are not limited to, the following:

- Choker.
- Eagle feathers.
- Headband.
- Wristband.
- Medicine bag.
  - Medicine bags shall be small, constructed of soft leather or other natural material without lining, and shall not exceed 1 1/2 inches in diameter. They are usually worn around the neck or hung from the belt.
  - After inclusion of the individual's medicine in the bag, it may be either sewn shut or closed with a drawstring in the presence of staff. The medicine bag must be closed in such a manner that will allow for subsequent inspection of its contents.

The religious artifacts are not to be confused with items worn strictly for ornamental reasons. The religious leader from the community, the group chairman and the pipe carrier shall submit, in writing to the Warden for approval, the religious artifacts worn by their group.

Wearing of the artifacts at times other than during religious occasions, sweat days, and special ceremonies requires approval of the Warden or his/her designee.

53050.11 Chapel, Sweat Lodge, and Sacred Items Search by Custody Staff

Searches shall be conducted with dignity and due respect to the sanctuary and sweat lodge. When practical, the chaplain or Native American Spiritual Leader will be present.

Staff chaplains shall arrange through their supervisor for certain criteria to be met by custodial staff when conducting searches of the chapel facilities or sweat lodge.

Handling of a medicine bag, sacred items, sacred pipe, and pipe bag by staff is limited to those occasions when there is reasonable cause to believe it may contain unauthorized or dangerous items or substances.

Medicine Bag Search

Any routine search of the medicine bag shall be accomplished by having the owner turn the bag inside out in the presence of staff.

Spiritual leaders, volunteers, and visitors entering an institution, are subject to searches of their personal medicine bag in the same manner as described above.

Sacred Pipe and Pipe Bag Search

Handling of the sacred pipe and pipe bag will be limited to the designated pipe holder unless there is reason to believe they may contain unauthorized items or substances.

When a pipe bag search is necessary, the designated pipe holder shall remove the contents of the bag and spread it out for staff to visually inspect.

53050.12 Special Foods for Religious Ceremonies

See DOM 54080.10 for information.

53050.13 Revisions

The Assistant Director, OCR Development, or designee shall ensure that the content of this section is accurate and current.

53050.14 References

CCR §§ 3210-3213.

Public Act 95-341, American Indian Religious Freedom Act.

ACA Standards 2-4466, `2-4463, and 2-4468.

DOM §§ 51070, 53010, and 54080.

ARTICLE 32 — LIBRARY AND LAW LIBRARY

Revised December 24, 1992

53060.1 Policy

An inmate library shall be maintained by each facility, reception center, and camp and shall operate according to an operation schedule approved by the Warden or officer in charge. The plan shall be widely distributed to the inmate body and posted throughout the facilities, reception centers, and camps. The library program shall allow for maximum inmate access and participation.

53060.2 Purpose

There shall be a library and law library in each facility with space to provide service to all segments of the facility population. Such areas shall contain space to accommodate State-owned books and to allow individual study of the available books. Access to each library shall take into consideration the needs of general population inmates and inmates assigned to security, segregation, and other restricted housing units. The program shall include opportunity for independent, informal study and research, legal library service, and circulating legal library services.

53060.3 Responsibility

The Assistant Deputy Director, Institutions Division, shall be responsible for the inmate library program.

Chief of Education

The Chief of Education and the Principal Librarian shall develop and monitor the departmental inmate library policy in cooperation with the State Library and California Library Association.

Senior Librarian

The Senior Facility Librarian shall implement the facility library program and shall report to the Supervisor of Academic Education or the Supervisor of Correctional Education Programs.

53060.4 Replacement of A Librarian or Teacher Librarian

The SPB and DOF established the librarian series as the appropriate series to provide library services to inmates. The Department is authorized by the SPB and the DOF to utilize teachers as librarians in an emergency.

When a librarian position is vacant, the facility shall actively recruit for a librarian to fill the position. If a facility is unable to employ a librarian from the civil service list, the Chief of Education shall be notified. Approval may be given by the Chief of Education to fill the vacancy with a teacher if it appears that the facility has made every effort to recruit a librarian and has not been successful.

If a facility plans to reassign a teacher/librarian to regular classroom work, the teacher/librarian position shall be considered vacant. The above procedure shall be employed in filling the vacancy.

53060.5 Principal Librarian

A fulltime Principal Librarian shall coordinate departmental library programs. The Principal Librarian shall confer with and provide consultant and resource services on request of facility librarians. The Principal Librarian's duties shall include scheduled on-site visits to facility libraries to ascertain that all departmental libraries are operating within established departmental policy and procedure.

53060.6 Library Services Criteria

Facility librarians shall provide library service and materials.

Library services shall be scheduled to provide adequate inmate access within necessary facility security and control.

Library materials shall be selected and provided to meet the needs and interests of the inmate population. Materials provided shall encompass the American Library Association's recommended standards and shall be augmented by reference materials necessary to meet the needs of current facility education programs. Suggestions and requests from inmates shall be solicited both informally by suggestion box and formally by an inmate library committee meeting with library staff on a scheduled basis.

53060.6.1 Material Excluded From Inmate Libraries

Printed material which describes the making of any weapons, explosive, poison, destructive device, or which in the Director's sole discretion depicts, portrays, or describes a sexual assault upon a correctional employee shall be excluded from publications furnished to facility inmate libraries.

53060.6.2 Check Out of Library Books

To check out books and other library materials, inmates shall:

- Present their identification or privilege card to the librarian.
- Sign a trust account withdrawal order before any books are checked out to them.
  - Inmates who lose or damage books or library materials shall pay for them.
  - Inmates shall not loan books to other inmates.
- Display books or other materials to correctional staff upon exiting the library.

Reference Books

Reference books shall not be checked out of the library. Damage to reference books, i.e., torn or cut pages or pictures, shall result in the submission of a CDC Form 115, Rules Violation Report, and a trust account withdrawal order for the cost of repairs or replacement of the reference book.

53060.7 Establishing and Maintaining a Library

Library Book Stock Formula. Based on 12 books and 55 percent population registration, the following library book stock formula is established:

Facility

Total facility inmate library fiction book stock = .55 x population x7books.

Total facility inmate library nonfiction book stock = .55 x population x5books.

Reception Center and Camp

Total inmate library fiction book stock = .55 x population x10 books.

Total inmate library nonfiction book stock = .55 x population x2books.

Facility Budget Replacement

Formula for the yearly budget replacement of facility book stocks:

Yearly inmate library fiction book stock = .55 x population x .6 x current average book stock price.

Yearly inmate library nonfiction book stock = .55 x population x .4 x current average book stock price.

Reception Center and Camp Budget Replacement

Formula for the yearly budget replacement of reception center and camp library book stock:

Yearly inmate library fiction book stock = .55 x population x .8 x current average book stock price.

Yearly inmate library nonfiction book stock = .55 x population x .2 x current average book stock price.

The above formulas apply specifically to fiction and nonfiction library book stock requirements. They do not include other library operational expenses, library equipment, special reference book sets, and special reference handbooks.

53060.8 Library Budget Policy

To be paid out of support appropriations:

- Book repairs and pamphlets for inmate library.
- Supplies for processing and repair of library materials.
- Postage on library books and interlibrary loan (also known as ILL) fees.
- Subscriptions to magazines and newspapers for the inmate library.
- Fiction and nonfiction books.
- Recommended proportionate use of funds should be 15 percent newspapers/magazines, 35 percent nonfiction books and 50 percent fiction books.
    - Exceptions to these percentages may be granted to thelibrarians if justified in writing to the Chief of Education, headquarters.

53060.8.1 IWF Library Budget Policy

To be paid out of IWF appropriations:

- Publications: Purchase of newspaper and magazine subscriptions for library and entertainment purposes and to supplement support appropriation purchases.
- Fiction books, especially paperbacks, to supplement/support appropriation purchases.

53060.9 CDC Form 400, Quarterly Library Operations Report

A CDC Form 400, Quarterly Library Operations Report , shall be completed and submitted with the quarterly education report in October, January, April, and July of each year. The reports shall be submitted no later than the fifteenth day of each designated month for the previous quarter and shall be sent to the Chief of Education.

53060.10 Inmate Access to Law Libraries

All interested inmates shall have access to the inmate library law books in accordance with this procedure.

Each facility head shall formulate an operational schedule for the inmate law library. This schedule shall include:

- Daily hours of library operation.
- Consideration to needs of inmates assigned to day work, training, or academic education.
- Consideration to needs of inmates assigned to security, segregated, and other restricted housing units.
- The maximum inmate access consistent with space limitations and facility security needs.

Restricted Housing Unit Access

Inmates confined in restricted housing units including security, segregation, and other restricted housing status shall have adequate access to legal resource material.

Return-to-Custody (RTC) and Camps Inmate Access

RTC inmates who request access to law library materials shall be transferred to the nearest facility for the period of time needed to complete their legal work.

Camp inmates requesting access to the law library shall be returned to their "hub" facility for the period of time needed to complete their legwork.

Abuse of Law Library

Inmates may have physical access privileges restricted for any period up to 90 days upon documented abuse or misuse of law library resources, facilities, and/or staff. Access may be restricted upon the written determination of the Warden or Chief Deputy Warden. Copies of the written determination of suspension of physical access shall be delivered to the inmate within five working days of such determination. All law library services, including paging, may be stopped during such period of suspension.

53060.11 Establishment of the Collection and Description

Codes

The collection of law books shall consist of, but not necessarily be limited to, one complete and current set of each of the following:

- Deering's California Code Annotated or
- West's Annotated California Code.
- USC Service or
- U. S. Code Annotated.

Digests

- West's California Digest 1st and
- West's California Digest 2nd, or
- (McKinney's) California Digest Official Reports, 3rd Series, 1983.
- Modern Federal Practice Digest.

- West's Federal Practice Digest 2nd.
- West's Federal Practice Digest 3rd.
- West's Federal Practice Digest 4th.

Reporters

- West's California Reporter, or
- California Official Reports 2nd Series, Vol. 53–71, and
- California Official Reports, 3rd Series, Vol. 1–Continuing, and
- California Appellate 2nd, Vols. 175-276, and
- California Appellate 3rd, Vol. 180–Continuing.
- Federal Reporter, Vol. 176–Continuing.
- Federal Supplement, Vol. 180–Continuing.
- U. S. Reports Vol. 269–Continuing, or
- U.S. Supreme Court Reports, Lawyers Edition Vol. 1–Continuing, or
- Supreme Court Reporter, Vol. 70–Continuing.

Shepards

- U. S. Citations.
- Federal Citations.
- California Citations.

Secondary Sources

- Appeals and Writs in Criminal Cases 1982 with newest update.
- Ballentine's Law Dictionary, or
- Black's Law Dictionary, 6th Ed.
- California Criminal Law Procedures and Practices, 1986 Dec., with newest update.
- California Jurisprudence 3rd.
- Harvard Law Review Developments on Habeas Corpus 1970 Ed.
- Sokol, Handbook on Federal Habeas Corpus 2d. Ed.
- U.S. Law Week (newspaper) 1 year backfile.
- Witkin California Criminal Law, 2d. Ed.

53060.12 Maintaining a Current Library Collection

Each set of case reports and statutes shall be kept current. Lost, stolen, or missing volumes that are damaged beyond use shall be replaced. A continuing subscription to advance sheets and new volumes shall be maintained for each set of reports or cases, and supplements to each set of codes, statutes, and other reference works shall be obtained and added to each library as they become available.

Law books not on the above list, but currently existing at various facilities, may be retained in facility law libraries, but need not be replaced in case of loss, theft, or mutilation.

53060.13 Law Library Budget/Book Replacement Procedures

Purchasing procedures for replacement of lost or damaged law books, updating the collections, obtaining supplements, revisions, and subscriptions include:

- Purchases of the annual subscriptions required to keep each inmate law library collection current and materials to replace items lost or damaged shall be made by the Procurement Officer at each facility. Such purchases are to be made from inmate law library funds, not regular library funds.
- The Principal Librarian shall determine the content, price, and availability of all the items in the annual subscription and provide this information to the facilities.
- Purchases of required law materials lost, damaged, stolen, or missing from the facility law library shall be made by the facility. The law library supervisor or librarian shall complete an annual inventory of the inmate law library and report to the library coordinator any lost, stolen, or missing volumes or volumes damaged beyond use.
- Any volumes of required materials borrowed from the State Circulating Law Library and subsequently lost, damaged, or destroyed at the facility shall be replaced by the Chief of Education. The law library supervisor or librarian shall submit a written report and request for replacement of any such loss to the Principal Librarian.
- Purchases of law books and other legal materials not on the required list shall be the responsibility of the facility.

53060.14 The Circulating Law Library

There shall be a circulating law library in the Department. The contents of which shall consist of, but are not limited to, the following sets of books:

- Federal Supplement, V. 1-179.
- Federal Reporter, 2d and 3d Series, Volumes 1-175.
- Either United States Reports, V. 1-238, Supreme Court Reporter, V. 1-69, or United States Supreme Court Reports, Lawyer's Edition, First Series, V. 1-92.
- Either American Jurisprudence 2d or Corpus Juris Secundum.
- California Reports, First Series.
- California Reports, Second Series.
- California Appellate Reports, First Series.

- California Appellate Reports, Second Series.
- Federal Rules Decisions.
- California Jurisprudence 2d and continuing with California Jurisprudence 3d.
- American Law Reports 1 through 4 and continuing.

Function

The function of the circulating law library shall be to transfer law books to facility law libraries for the temporary use of the inmates in those facilities.

Method

No inmate may request law library materials directly from the circulating law library. All requests must be processed through the library staff member designated to request materials from the circulating law library.

Upon receiving a request from an inmate for a particular volume in the circulating law library, a facility librarian shall immediately order that volume from the librarian of the circulating law library who shall dispatch it to the requesting facility librarian immediately upon receipt of the request or notify the requesting librarian that the volume is on loan. When the volume is received at the facility library, the librarian shall immediately notify the requesting inmate. The volume may be retained at the facility library up to three days during which time it shall be available for use by any inmate. If the requesting inmate demonstrates an inability to use the volume during the three-day period, the facility librarian may retain the volume for an additional four days.

- No volume shall be retained at any facility law library for a longer period than seven days unless the librarian ascertains from the circulating law library librarian that the volume is not on request by any other (facility) library.
- The circulating law library librarian may direct that any volume from that library on loan to a facility library be transferred directly to another facility library in satisfaction of a loan request.
- No inmate shall request more than five volumes from the circulating law library during any one-week period.
- The circulating law library shall be operated in such a manner as to ensure maximum access by all inmates to the volumes contained in said library.
- When possible, the circulating law library shall send a duplicated copy of the requested material to the requesting library rather than send the entire volume.
- Said copy may be retained indefinitely by the inmate requesting the material.

CDC may contract the actual operation of the circulating law library to another agency providing that the required standards of service are retained.

Note: Location of circulating law library:

State Law Library
California State Library
P.O. Box 942837
Sacramento, CA 94237

53060.15 Inspection of Public Records by Inmates

DOM 13040, Public Records, sets forth departmental policy concerning the inspection of public records by inmates. A copy of all revisions to the CCR, shall be placed in the inmate law library.

53060.16 Access to Law Library by Inmates With Court Deadlines

General Population Inmates

General population inmates with established court deadlines shall be given priority for passes to the inmate law library. If there is a waiting list for legal books, inmates with established court deadlines shall be given priority over non-court deadline requests.

Restricted Housing Inmates

Inmates in restricted housing units with established court deadlines shall be given priority in submitting requests for law materials and in the delivery and pickup of these materials to and from the unit. Procedures and conditions contained in DOM 53060.6.2 shall apply to inmates housed in restrictive housing units.

Established court deadlines shall be verified by a Correctional Counselor or designated library staff.

53060.17 Revisions

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

53060.18 References

PC §§ 2600 and 5058.

United States Court, Northern District of California, United States Court of Appeals, Ninth Circuit.

CCR (15) (3) §§ 3120, 3121, 3122, 3161, 3162, 3164, 3331(i), 3331(j), 3343(i), and 3405.

ACA Standards 2-4015, 2-4230, 2-4231, 2-4442, 2-4443, and 2-4446 through 2-4450.

DOM § 13040.

ARTICLE 33 –RECREATION AND PHYSICAL EDUCATION PROGRAMS

Revised July 1, 2003

53070.1 Policy

Each Warden shall provide a recreation and physical education program that will maximize inmate participation under conditions that are safe and secure. Inmates may be afforded an opportunity to engage in a variety of activities consistent with their custody classification, privilege groups, security requirements, health status, and any documented or demonstrated special need.

Recreation and Physical Education programs are founded on six broad goals providing inmates opportunities for achievement through participation in a range of programs that promote the following:

Physical activity.

Physical fitness and wellness.

Movement skills and movement knowledge.

Social development and interaction.

Self-image and self-realization.

Individual excellence.

53070.2 Purpose

This Article provides staff responsibilities and criteria for the administration of institution/facility recreation and physical education programs.

53070.3 Responsibility Recreation and Physical Education Programs.

The Supervisor of Correctional Education Programs (SCEP,) or designee shall provide overall supervision and coordination of recreation and physical education activities at their respective institutions/facilities. The SCEP shall:

Coordinate all recreation and physical education activities.

Prepare an annual operational budget.

Supervise the selection, assignment, and training of inmate aides.

Evaluate and utilize community resources.

Maintain appropriate records of activities, inventories, and inmate participation.

Ensure the security and control of program areas and scheduled activities.

Maintain effective control and utilization of program equipment.

Arts-in-Corrections

Administrative oversight of the Arts-in-Corrections program is the responsibility of the Arts Program Administrator. Direct supervision of artist-facilitators and lead artists at each institution is the responsibility of the Community Resource Manager (CRM) or designee.

Handicraft Program

Administrative oversight of each institution's handicraft program is the responsibility of the Correctional Administrator, Business Services. Direct supervision of the program is delegated to an institutional handicraft manager.

53070.4 Recreational Activities

Inmate access to recreational programs shall be in accordance with the Inmate Work/Training Incentive Program (IWTIP) policy. Participation shall be voluntary, non-credit, accomplished during non-assignment hours, and be dependent on privilege level. Activities may include, but are not limited to, the following.

Audiovisual programs.

Visual and performing arts programs.

Individual sports, such as track and field, jogging, and gymnastics.

Dual sports, such as handball, horseshoes, table tennis, badminton, and shuffleboard.

Team sports, such as baseball, basketball, soccer, softball, touch football, and volleyball.

Social games, such as checkers, puzzles, dominoes, chess, and card games.

Precaution shall be taken to prevent injury during recreational activities. Activities involving unusual danger or risk shall not be permitted.

Gymnasium, field, and/or yard schedules shall be established to provide reasonable access for all eligible inmates. Recreational activities may be available seven days per week.

The Warden or designee may approve special events which feature visual and performing arts activities.

53070.4.1 Intramural Sports

Intramural sports may be offered for all eligible general population inmates.

Each institution shall establish guidelines to discourage inappropriate domination by any one inmate group. A designated staff person shall select and assemble individual teams.

Intramural sports may include handball, racquetball, basketball, softball, horseshoes, and similar group sports.

53070.4.2 Table Games

Table game leagues and tournaments may be organized institutionally. All eligible inmates may participate in such tournaments.

53070.4.3 Tournaments

Tournaments may be organized institutionally. The variety of competitive activities shall be rotated according to different interests, skills, and cultural considerations.

Announcements of upcoming special events shall be posted in designated areas accessible to all eligible inmates.

Awards and certificates of participation or accomplishment may be purchased with Inmate Welfare Fund monies and offered as awards to inmates participating in tournament activities.

Approved awards shall be delivered to the recipient inmate as soon as possible, but no later than 45 days following approval by the activity/contest coordinator.

53070.4.4 Handicraft

Refer to DOM Chapter 5, Article 34.

53070.4.5 Music Program

Musical activities are encouraged in those institutions with the appropriate facilities and equipment.

Under the supervision of designated staff, inmates may schedule practice sessions in designated areas.

53070.4.6 Movies/Videos

Movies and/or videos may be selected and scheduled for viewing, in advance, on a quarterly basis. This schedule shall be submitted through the established chain of command for approval by the institution head or his/her designee (reviewer) prior to the beginning of each quarter and the approved schedule shall constitute the institutional discretionary viewing list.

Only movies/videos with a Motion Picture Association of America (MPAA) rating of General (G), Parental Guidance (PG), or Parental Guidance (PG-13) may be considered for general viewing by the inmate population. Movies/videos with Specially Edited Down (SED) rating may be viewed in accordance with the provisions of this Section.

Movies and/or videos, which have not been rated or have been rated other than G, PG, or PG-13 and are intended for specified limited inmate viewing purposes, such as education or contracted service vendor programs, shall be previewed at the institution/facility level.

Previews shall be conducted by the Academic Teacher- Recreation/Physical Education (ATRPE) or designee.

A movie or video not originally rated G, PG, or PG-13, but through editing has been “reduced” to the content equivalent of a G, PG, PG-13, or SED-R rating shall require no more than ATRPE previewing.

All other content or suitability issues may be resolved by the ATRPE through referral to an Institutional Movie Review Committee (IMRC). The IMRC will classify the movie as “acceptable” or “unacceptable." Movies/videos categorized “unacceptable” shall not be approved for general inmate viewing.

The IMRC membership designated by the institution/facility head shall minimally consist of the following individuals or staff representatives: female custodial staff, correctional custody ranks no less than sergeant, medical or mental health staff, and the Supervisor of Correctional Education Programs.

Regardless of a film’s MPAA rating, those glorifying violence or considered inflammatory to the climate of the institution shall not be approved for viewing.

A department wide "discretionary showing list" and /or movie review committee may be established by the Director

Inmate committees may be used to assist in the selection of specific movies/videos that are approved by the institution head.

Approval does not require that it be shown by an institution.

The selection or exclusion of a movie and/or video by an institution/facility may be challenged by members of the public by writing to the Director, appealed by inmates by following the inmate appeal process, and/or grieved by staff by pursuing grievance procedures in accordance with their collective bargaining unit's contract and/or memorandum of understanding.

53070.4.7 Television

State-owned television sets may be provided in dayrooms or other areas accessible to general population inmates. Televisions placed in these areas shall not be moved for service, repair, or replacement except by an authorized staff person.

Program schedules shall be decided by majority vote of the inmates in attendance in the dayrooms or other areas used for general population viewing at the time of the vote. A designated staff person shall supervise all inmate-voting activities and post the approved schedule near the television.

Program schedules shall not be moved or changed except by staff.

Any tampering with the television by an inmate, other than those necessary to adjust an approved program shall be cause for disciplinary action.

53070.4.8 Activity Groups

Refer to DOM Chapter 5, Article 28 for educational, social, cultural, and community interaction-based activities.

53070.4.9 Arts-in-Corrections

The Arts-In-Corrections Program provides leisure time activities administered by the headquarters Arts Program Administrator (APA). This headquarters staff person provides overall supervision for the institutional artist-facilitators or lead artists who are the designated program contact persons. The APA shall provide support, assistance, and ensure activity compliance.

The CRM at each institution shall be designated as the immediate supervisor for the artist-facilitators and lead artists.

Art activities may consist of, but are not limited to, the following:

Literary arts, including poetry, creative writing, playwriting, and book arts.

Visual arts, including painting, drawing, printmaking, calligraphy, and graphic arts.

Performing arts, including music, theater, and dance.

53070.4.10 Weight Lifting

Inmate recreational weight lifting activities shall not be permitted at California Department of Corrections and Rehabilitation institutions/facilities.

53070.5 Recreation and Physical Education Programs

The institution’s education department shall make available to eligible inmates a recreation and physical education program with adopted standards. These standards shall be based on six related disciplines: biomechanics and kinesiology; exercise physiology; motor learning; psychosocial development; growth and development; and the humanities.

An Academic Teacher, Recreation and Physical Education, shall coordinate and provide direct supervision of the recreation and physical education program.

The program shall be based upon the adopted Recreation and Physical Education Curriculum Framework adopted by the Board of Education. Course outlines shall be developed at each institution representing the institution's program. Daily lesson plans shall reflect the course outline.

Inmate access to physical education shall be in accordance with IWTIP policy and procedures. Participation shall be voluntary, non-credit, accomplished during non-assignment hours, and be dependent on privilege level.

Minimum unduplicated enrollment for physical education shall be determined by multiplying the adopted ratio and the adopted hours per day's factor, yielding total program participants.

Several components of the recreation and physical education program require specialized instruction and/or training. These components include, but are not limited to, the following:

Physical education (non-credit earning).

Physical fitness training program, (credit earning full-time assignment).

Fitness for life, (non-credit earning unless offered as part of a full- time education assignment).

Healthful living, (non-credit earning unless offered as part of full time education assignment).

Funding for these recreation and physical education components may be provided by the Education and Inmate Programs Unit, established by formula, and distributed as an annual allotment, which shall be made part of an institution's overall education program budget.

These education program components shall meet the adopted program-wide teacher/inmate ratio.

Whenever possible, instructional resources for these program components shall be compiled on a standard list and placed on contract.

53070.5.1 Physical Fitness Training Program

This training class is designed to evaluate, prepare, and test the physical and mental preparedness of inmates for admission into a Department of Forestry and Fire Protection Training Program and eventual assignment to a California State Conservation Camp as a firefighter, emergency transport vehicle attendant, or for support services.

Inmates shall possess a recent medical clearance authorizing their participation in emergency firefighting activities. This clearance, and the inmate's possession of a Minimum B custody designation, shall be conditions of transfer to any institution for placement in a Physical Fitness Training (PFT) class.

The SCEP or his/her designee shall provide supervision of PFT classes.

An Academic Teacher, Recreation and Physical Education, shall coordinate and/or instruct this program at each applicable institution. The assigned teacher shall be responsible for recording and reporting all training time and absences of inmates assigned under his/her supervision. A CDC Form 191, Time Card, shall be used to record the training time of assigned inmates.

The PFT involves competency testing in activities measured by specific count, time frame, or strength demonstration. These measured activities shall be specified in the adopted curriculum framework.

An inmate must successfully complete PFT prior to being admitted into the forestry training program.

53070.6 Recreation and Physical Education Equipment

Each institution/facility may provide the clothing, equipment, and supplies necessary for a variety of recreational and physical education activities. Strict accountability of items issued to inmates shall be maintained by utilizing a staff-supervised checkout system.

53070.7 Conservation Camp Programs

Conservation camps shall provide recreation and physical education program opportunities for their respective inmate populations. These opportunities shall be compatible with camp operations, staffing, and the geographic location of the camp.

53070.8 Inmate Aides

Inmate aides are valuable resources when trained and properly supervised. Inmate aides shall be selected on the basis of their relationships with other inmates, previous work record, attitude toward staff, and desire to work.

These aides may serve as program assistants, activity leaders, and sports officials performing the following functions:

Supply clerks, issuing program supplies under the supervision of designated staff.

Record keeping of equipment and supplies under the supervision of designated staff.

Preparation and distribution of program announcements and flyers.

Facility and equipment cleaning and maintenance duties.

53070.9 Recreation Committee

A recreation committee may be established at each institution. Composition should include staff and inmates. This committee may be used to provide input and offer recommendations on recreational and physical education programming.

Inmate participants shall be composed of a cross-section of inmates eligible to participate in the program.

53070.10 Community Interaction

Community participation in institutional recreation and physical education activities shall be encouraged. Community volunteers may be utilized in accordance with institution/facility's Operational Procedures.

53070.11 Revisions

The Director, Division of Adult Institutions, shall ensure the contents of this Article are current.

53070.12 References

California Code of Regulations, Title 15, Sections 3220, 3223, 3233, and 3234.

ARTICLE 34 — HANDICRAFT PROGRAMS

Effective January 2, 1990

53080.1 Policy

The Department permits inmates' constructive use of their leisure time activities. A handicraft program is established to provide a controlled means for obtaining the necessary materials and equipment and for the release of manufactured articles.

53080.2 Purpose

The handicraft program allows constructive use of the inmates' leisure time by affording them a program in which they may expand their creative potential. The program provides a means for the inmates to earn money to help supplement their financial resources. This section provides for proper organization and administration of the handicraft program.

53080.3 Responsibility

Revised July 20, 1992

The inmate handicraft program is to be operated under the administration of the Associate Warden, Business Services. The handicraft manager provides direct supervision and implementation of the program.

53080.4 Inmate Eligibility

Inmates assigned Work/Training Group A or B, by a classification committee, are eligible to participate in the handicraft program. Any inmate who abuses their handicraft privileges shall be subject to loss of eligibility to participate. Inmates assigned to AD-SEG are not eligible to participate in the handicraft program.

53080.4.1 Approval of Inmate Applicants

Revised July 20, 1992

The handicraft manager, after interviewing applicants, shall approve/disapprove the CDC Form 165, Application for Handicraft Privilege .

The handicraft manager shall grant approval only after he/she is satisfied that the applicant:

- Possesses the manipulative potential required in the craft.
- Intends serious participation in the program.

If the application is disapproved, it is returned with an explanation to the inmate. If approval is granted, the handicraft manager shall forward the application to the captain approval/ disapproval.

53080.4.2 Revocation of Privilege

Inmates in violation of handicraft program policies shall be suspended from the program. Such suspension through disciplinary action shall be for a specific period of time in keeping with the seriousness of the specific violation. Participation in any handicraft program or project may be terminated or suspended as a result of classification committee action.

- Upon suspension or termination of handicraft participation through disciplinary action, classification committee action, or upon the inmates voluntary termination, all personally owned handicraft tools and materials shall be shipped to any person in the community designated by the inmate at the inmate's expense. Tools and materials shall not be retained in long-term storage within any facility.
- The handicraft manager shall remove from the rolls those participants who have become inactive by:
  - Failing to place an order for three months; and/or
  - Failure to offer an item for sale for a three-month period.

53080.4.3 Number of Inmates Allowed to Participate

Inmate participation is limited by the available handicraft space in each facility. Fifty percent of the inmates participating in handicraft may be involved in in-cell hobby only. No waiting lists shall be maintained. When inmate participation drops, open enrollment periods shall become available on a first come/first serve basis.

53080.4.4 Indigent Inmate Loan Requests

Loan requests may be submitted to the handicraft manager and if approved, the manager shall sign the request and forward the request to the trust office for verification of indigent status. After verification the trust office shall sign and forward the request to Business Services for final disposition. If approved, the handicraft manager shall submit the request with a copy of the CDC Form 167, Handicraft Order , to the trust office. The loan shall be posted on the inmate's trust account and a hold placed on the account for the hobby order until the loan is paid in full.

- When the loan is made, the inmate shall complete a CDC Form 193, Trust Account Withdrawal Order .
- If the inmate is transferred, paroles, escapes or expresses a desire to withdraw from the program prior to repayment of the loan, all raw materials shall be retained by the handicraft manager.
- If a loan becomes delinquent and not collectable, the amount unpaid on the loan shall be charged to the IWF.

53080.5 Handicraft Activity

All activities in the manufacture of finished handicraft articles shall occur only during leisure hours. Inmates shall not participate in handicraft during their normal work assignments.

Shop Activity

- The handicraft manager shall publish a schedule of operations for the handicraft shop/classroom that allows maximum access by inmates during their off-duty hours.
- The area shall be cleaned daily prior to closing. Failure of any inmate to participate or assist in the shop clean-up shall result in suspension of their handicraft privileges.

Living Area Activity

Handicraft work done in-cell shall abide by the following guidelines:

- Shall have a handicraft inventory sheet listing all material authorized:

- One copy shall be taped to the storage locker.
- One filed in the participant's handicraft folder in the hobby shop.
- One filed with the captain.
- One in the inmate's possession when transferring material between in-cell area and the handicraft shop.

Inventory sheets require the following signatures:

- Handicraft Manager.
- Captain.

Only those items authorized and listed on the inventory sheets shall be allowed. All other handicraft items shall be confiscated. The volume of handicraft in the cell shall conform to CCR 3191.

53080.5.1 Handicraft Activity Card

All inmates approved for the handicraft program shall be issued a CDC Form 133, Inmate Activity Card . All CDC Form 133s shall have an expiration date of six months and it shall state the type of handicraft the inmate is authorized to perform. Requests for renewal shall be reviewed by the handicraft manager. Inmates who have not completed any finished articles shall be deemed disinterested and shall not be eligible for renewal for the next six months.

53080.6 Items to be Manufactured

Items to be manufactured shall be limited to those approved by the handicraft manager. Criteria for approval shall be the ability of the inmate, cost of the materials, size, tools, and availability of the finished items. Specific articles that may be manufactured are as follows:

- Leathercraft: Wallets, purses, belts, change purses, key cases and holders, dog collars, moccasins, sandals, photo albums, bowling bags, brief cases, watchbands, pouches and whistle snaps.
- Woodcrafts: Picture frames, jewelry boxes, inlay and overlay work, lamps, chess sets and checker boards.
- Jewelry: Earrings, Necklaces, bracelets, pins, tie clasps, belt buckles, rings, broaches, pendants and key chains.
- Art: Painting (Oils, pastels, water colors, and charcoals), drawings, engravings and black prints.
- Knitting and weaving: Caps, scarfs, purses, sweaters,afghans, pictures, mittens, doilies, bookmarks, glass cases, rugs, and baby items.
- Ceramics: Mosaics, cups, mugs, bowls, plates, wall plaques, statuary, lamps, figurines, ash trays, and jewelry boxes.
- Cellophane: Jewelry boxes, photo albums and picture frames.
- Macrame: Wall hangings, plate hangers, belts, bags, mats and curtains.
- Models: Cars, trucks, boats and planes.

Any article not listed above shall be approved by the handicraft manager before the ordering of supplies and materials.

Handicraft File

A handicraft file shall be initiated for each inmate in the program. This file shall contain all documents pertaining to:

- Special orders.
- Agreements signed.
- Loan applications (if applicable).
- CDC Form 166.
- Inventory sheet listing all material authorized for handicraft work done in-cell.

53080.7 Handicraft Tools and Materials

Approved tools and materials for the handicraft program shall be purchased through approved vendors only. Items received from other sources shall be returned to sender or donated to the Inmate Welfare Program. All orders for purchases of handicraft tools and material shall be submitted to the handicraft manager (see CDC Form 167, Handicraft Order, and CDC Form 167, Trust Account-Special Purchase Order Only). The handicraft manager and Associate Warden of Business Services shall determine the minimum dollar value for initial handicraft purchases.

Note: The manufacture or alterations of tools shall be prohibited.

53080.7.1 Surcharges

A ten- percent charge shall be added to the cost of handicraft tools and materials for handling expenses and shall be deposited into the IWF. An additional charge determined by the handicraft manager shall be added to cover the vendor's handling, tax, insurance and postage. A "hold" to cover all costs shall be placed on the inmate's trust account while the order is being processed. All money left over after payment shall be refunded to the inmates account. Inmates submitting orders with non-sufficient funds shall not be allowed to reorder for 60 days.

53080.7.2 Funds Of Inmates Transferred While Awaiting a Handicraft Order(s)

When an inmate transfers after placing an order, the merchandise upon arrival shall be inventoried by the handicraft manager and then forwarded to the institution of transfer. The funds to cover the cost of the purchase shall be retained at the sending institution's trust office until the vendor has been paid. Any money left over after payment shall be forwarded to the trust office at the new institution and accredited to the inmate's account.

- No orders shall be cancelled after submission to the vendor.
- To avoid possible complications and delays in preparing accurate release budgets, handicraft orders shall be submitted and ordered no later than 90 days prior to the inmate's release date.

53080.7.3 Handicraft Items From Other Institutions

The handicraft manager shall approve and inventory all handicraft items received from other institutions. He/she shall store the items until the inmate has been approved for the handicraft program. When the inmate receives the activity card, he/she shall be given the items and shall be permitted to keep them per institutional procedure. Approved tools that are not permitted outside of the handicraft shop shall be stored in appropriate lockers provided. Any tool with a cutting edge or sharp point in excess of 1-1/2" in length shall not be permitted to be in the possession of the inmate outside the hobby shop. No tools shall exceed 4-1/2" overall in length. Any item(s) not approved shall be disposed as follows:

- May be donated to the handicraft program.
- May be mailed to an approved correspondent at inmate's expense.

53080.7.4 Institutional Handicraft Equipment

Handicraft equipment supplied by the institution shall be operated only by inmates specifically authorized by the handicraft manager.

Tools and equipment shall be allotted to the handicraft participants on a first come, first serve basis, with a sign-up list kept by the handicraft manager. The Manager shall monitor the time spent on the machines and ensure that they are not monopolized for an unreasonable length of time by one person.

53080.7.4.1 Handicraft Equipment Safety Policy

Failure to safely operate the equipment with reasonable care and proficiency shall be reason for suspension of privileges for further use. All machines shall have safety devices in place when being operated. Safety goggles shall be worn at all times when operating equipment.

- No repairs shall be made by inmates on any of the equipment other than minor adjustments which shall be performed under the supervision of the handicraft manager.
- Misuse of equipment shall also be reason for suspension of privileges and could result in the inmate being charged for necessary repairs.

53080.7.5 Unauthorized Materials

Any handicraft materials, tools or projects in the possession of an inmate, who is not assigned to the handicraft program, shall be deemed contraband and shall be confiscated. Inmates who loan or give their handicraft items to another inmate without prior specific approval in writing by the handicraft manager shall be subject to removal from the program, and the items confiscated.

- All correctional employees have the authority to confiscate unauthorized handicraft materials, tools, or projects. The confiscated items shall be tagged with the inmate's name and number and then placed in receiving and release for disposition by the handicraft manager.
- Items confiscated shall be disposed of in a manner which includes, but is not limited to the following:
  - Sale in the handicraft store with proceeds to IWF.
  - Donation to a charitable organization.

53080.7.6 Volatile Substances

No handicraft volatile liquids or substances shall be stored in any inmate's living quarters. All volatile substances shall be stored in the handicraft shop, adhering to the controls as set forth in DOM 52030.

53080.7.7 Tool Control

Tool control of state owned tools or inmate owned tools are subject to the provisions as stated in DOM 52040.

53080.7.8 Volume of Handicraft Items

An inmate's handicraft articles, tools, and materials shall not exceed the amount that can be stored in designated storage areas of the facility.

Handicraft materials and equipment when combined with other personal and state property shall not exceed six cubic feet in the inmate living area.

53080.8 Inventory Requirement Handicraft Ledger Card (CDC Form 166)

All handicraft tools and materials received for inmates (purchased or donated) shall be itemized on a CDC Form 166, Handicraft Ledger Card . Upon completion of a handicraft item, an entry shall be made on the CDC Form l66 stating what was completed, cost, and date of completion. The disposition of the item shall also be entered on the form, i.e., donated, sold, mailed out or transferred to individual's personal property. If the item is sold, the receipt number from the bill of sale shall be posted on the form.

If an inmate is authorized to have handicraft work in the cell, all handicraft tools and materials received shall be itemized on a CDC Form l66-A, In Cell Handicraft Ledger . The CDC Form 166-A shall be completed in the same manner as described above for the CDC Form 166.

53080.9 Paroled or Discharged Inmates

Inmates paroled or discharged shall ship, at their own expense, personal handicraft materials prior to their release date or may carry the materials with them upon release. All handicraft materials shall be inventoried and packed by the handicraft manager then delivered to the receiving and release officer. A copy of the list of inventoried materials shall be placed in the inmate's handicraft file and forwarded to the records office for further disposition.

53080.10 Transferred Inmates

Upon receiving notice that an inmate is to be transferred, the handicraft manager shall gather and inventory all the inmate's tools, and raw materials for packing. A copy of the inventory list shall be placed in the handicraft package, a copy in the inmate handicraft files and a copy forwarded to the records officer to be sent to the institution of transfer. Inmates, at their own expense, shall either ship materials to the institution of transfer or to an approved correspondent. They may also donate them to the inmate handicraft program. The handicraft manager shall make arrangements for the packages to be shipped.

Paroled, discharged or transferred inmates shall have thirty days prior to and thirty days after departure to contact the handicraft manager to determine disposition of their hobby materials and tools. If the handicraft manager is not contacted within the time limits, the inmate's hobby possessions shall be considered abandoned property and shall be turned over to the IWF.

53080.11 Inmate Death

Upon notification of the death of an inmate who was involved in the handicraft program, the handicraft manager shall gather, inventory and pack all of the tools, raw materials, finished and partially finished articles belonging to the deceased. The package(s) shall be forwarded to the institution property room. A copy of the inventory sheet shall be attached to the package and a second copy shall be forwarded to the institution's records office with the inmate's handicraft file.

53080.12 Stolen Articles

Stolen or lost handicraft materials, tools, and articles shall be reported immediately by the inmate to the handicraft manager. He/she shall record the missing items and route a memorandum to the unit/division administrator listing the description and other information concerning the theft or missing articles.

53080.13 Repairs

Articles purchased in the handicraft store which are discovered to be defective may be returned with receipt within 60 days of purchase for necessary repair, alteration or renovation.

- Other repairs or alterations of purchased items may be done at a fair charge to the inmate. Sale slips shall accompany all items returned for repair.

53080.14 Donations Citizen

Only the Warden, delegated representative, or the institutional CRM may accept a gift/donation from private, local contributors. When a gift/donation is deemed appropriate for acceptance, the CRM shall complete the CDC Form 922, Authorization to Accept Gift/Donations, following the procedures set forth in DOM 21060.

Inmates

Inmates may also donate handicraft materials and tools to the institution handicraft program. Such articles shall be controlled by the handicraft manager, become the property of the State, and shall be utilized in the same manner as other state owned tools and materials.

53080.15 Gifts

Correspondent/Visitor

Inmates may give gifts of handicraft items produced by themselves to any correspondent or visitor by "gate pickups and mail outs" within the following limits:

- Gate pickups: No limit on gate pickups. Packages remaining at the entrance gate/reception desk for more than two weeks shall be returned to the inmate.
- Mail outs: No limit on mail outs, but all shipping and wrapping charges shall be prepaid by the inmate by signing a CDC Form 193, Trust Withdrawal Slip.
- All gifts shall be searched and sealed by the handicraft manager prior to mailing or gate pickups. All gate pickups and mail outs shall be at the inmate's risk.

Inmates

Inmates, with prior approval of the handicraft manager, may give, donate, or loan handicraft tools and materials to other inmates who are properly enrolled in an approved handicraft program. The recording of transactions shall be made by the handicraft manager.

No gift may be given to or be accepted by an employee of the Department.

53080.16 Inmate Personal Possession

Inmates in the handicraft program may transfer completed articles to their personal possession if such articles conform to DOM 54030. A personal property receipt shall be initiated by the handicraft manager and sent to the property room/Receiving and Release per institutional procedures. Stockpiling of finished products shall not be allowed.

53080.17 Handicraft Sales

Items to be placed on sale in the handicraft store shall be submitted to the handicraft manager for approval. The selling price shall be established jointly by the inmate and Manager. The maximum number of articles allowed to be placed in the handicraft store shall be determined by the handicraft manager based on available space and size of item.

- Inmates, 30 days prior to parole/transfer, shall notify the handicraft manager as to the disposal of such articles. Inmates shall not leave articles for sale after their departure.

53080.17.1 Handicraft Inventory Card

The CDC Form 168, Handicraft Inventory Card shall be filled out for each item placed for sale. Items shall be logged on the inmate's card, and shall be initialed by the inmate and the handicraft manager.

Sale items shall be issued an inventory number. The inventory card is a three-part form and all sections shall be completed by the manager when an item is placed in the handicraft store for sale.

The card shall be distributed as follows:

- Part one of the card with the item description and approved price shall be completed and forwarded to the trust office where it shall be retained.
- Part two shall be attached to the article showing sale price when it is placed for sale in the handicraft store. When the item is sold, a copy shall be attached to a copy of the sales receipt and forwarded to the trust office. The sale price shall be verified to correspond with the amount shown on part one of the inventory card prior to posting the income on the inmate's account. If a discrepancy exists, it shall be resolved at that time by the trust office and the handicraft manager.
- Part three, the inmate's receipt, shall be given to the inmate when the item is placed in the handicraft store. The inmate shall retain this receipt in his/her possession and shall turn it in to the handicraft manager at the time the item is sold or removed from the store.

A proper balance and relationship shall exist between inventoried articles and mail out, sales, and purchases. If such a balance does not exist, an investigation shall be initiated per institutional procedures and directed by the handicraft manager.

53080.17.2 Sales of Displayed Handicraft (CDC Form 168)

Sales of handicraft items shall be limited to those items on display in the Handicraft Store, annual institutional arts and crafts shows, shows in public buildings, fairs or on property operated by a non-profit organization. All proceeds from handicraft sales shall be returned to the institution. No person or organization sponsoring a show shall receive a commission or profit from the sale of handicraft items directly or indirectly.

- A ten percent surcharge shall be added to the established purchase price on all articles placed on sale. When the article is sold this surcharge shall be deposited to the IWF.
- At the time of sale, a sales receipt shall be completed and include the following information:
  - Date.
  - Customer's name.
  - Inventory number.
  - Quantity and brief description of the item.
  - Net price.
  - Sales tax and total price.

Paintings shall include different types of pictures, drawings, sketches and etchings with any frames that are attached.

The following procedures and rules shall apply:

- Purchase of handicraft articles shall be paid for with cash, money order, or cashier checks.
- The IWF shall not be used to compensate any losses in the sales store operation.
- Handicraft articles on display for 3 months may be deemed as unsalable by the handicraft manager and returned to the inmate for approved disposition. Appropriate remarks shall be placed in the inmate's handicraft ledger at the time of disposition.
- The net money received by an inmate for the sale of handicraft articles shall be placed in the individual's trust account.

- All sales shall be recorded in the log book in the handicraft store at time of sale and the handicraft manager shall keep a duplicate log of sales receipts for inventory purposes.

53080.17.3 Special Orders

Special orders between employees and inmates shall first be approved by the handicraft manager and the Warden, or delegated representative, prior to the inmate commencing work on the item. Any contracts an inmate wants to enter into with other than an employee shall first be approved by the Warden or delegated representative. The following shall apply:

- Inmates shall use only material purchased from their own funds to manufacture items specified in the contract.
- The CDC Form 1230, Special Handicraft Contract , shall be assigned an inventory number and filled out in quadruplicate by the handicraft manager who shall obtain the signature of both the contracting employee and the inmate. The price of the item(s) being produced shall be agreed upon and stated on the contract before signing. Prices shall not be changed once they have been established.
- The handicraft manager shall sign the contract and submit it to the Warden or their delegated representative for approval. After acquiring the required signature, the handicraft manager shall distribute copies as follows:
  - Original: Associate Warden, Business Services.
  - Copies: Handicraft office, employee, and inmate.
- The inmate shall purchase materials and commence work on the contracted item(s).
- The handicraft manager shall notify the employee when the contracted items are completed and shall deliver them to the Handicraft Store where the employee shall pick up and pay for the items. No items shall be given to an employee until payment is made in full. The receipt shall be completed and distributed accordingly with the original copy going to the employee.
- All contracted items must be picked up and paid for within thirty days of notification.
- The handicraft manager shall monitor the contracts and insure that they are completed within the time specified.

53080.18 Inmates' Sub-Contracting

Inmates shall not employ any other inmate(s) in the manufacturing of any handicraft article(s). Inmates may collaborate in the manufacturing of handicraft articles only with prior approval of the institution handicraft manager. All inmates involved in the production or creation shall share in any profit as determined by the institution handicraft manager.

53080.19 Handicraft Store

Completed handicraft articles shall be sold through the handicraft store. The sales shall be recorded on a CDC Form 169, Handicraft Daily Sales Report which shall be prepared in triplicate by the handicraft manager.

Distribution shall be as follows:

- Original to IWF, accounting officer.
- Duplicate to Trust Officer.
- Triplicate to handicraft file.

53080.19.1 Proceeds From Sales

The net amount of monies received by an inmate for the sale of handicraft articles after deductions for handling costs shall be considered as proceeds. Proceeds shall be placed in the inmate's trust account with the exception of those items manufactured from state owned material. Proceeds from these articles shall be deposited to the IWF.

53080.19.2 Sales Tax

Completed handicraft items when sold are subject to sales tax, which shall be collected and remitted to the BOE. Since there will be a duplicate payment of tax on the materials that go into handicraft items that are sold, an adjustment for this duplicate tax may be made when reporting to the BOE.

Materials purchased for handicraft items are also subject to sales tax. If the vendor does not operate under a sales tax permit, the "use tax" is to be accrued and reported to the BOE at the end of the fiscal year. If the handicraft item is not sold, no additional sales tax will be collected.

53080.19.3 Cash Shortages

The IWF shall not be used to reimburse cash or the value of handicraft items lost or stolen from handicraft stores or for checks received from handicraft sales that become uncollectible.

53080.19.4 Store Inventory

The store shall be inventoried at least quarterly by the handicraft manager and annually by the Accounting Officer of the specific institution.

53080.20 Arts and Crafts Shows and Exhibits

Institutions shall hold no more than two arts and crafts shows annually. All of the proceeds from handicraft sales shall go to the institution for disbursement per this section. No individual or organization shall receive a commission or profit from the sale of handicraft, directly or indirectly.

Each institution or facility may hold one trade fair or art exhibit each year at the institution or facility, in addition to the approved arts and crafts shows, in public buildings, at fairs, or on property operated by nonprofit associations at which no sales are made.

53080.20.1 Length of Shows and Exhibits

Shows and exhibits at institutions shall be limited to four consecutive days, including Saturday and Sunday, outside exhibits may be extended to coincide with the normal period of the particular event, such as a state or county fair. It is desirable that institutions in the same general locale coordinate their plans for shows and exhibits in order to avoid conflict in dates.

53080.20.2 Number of Displayed Articles

In order that the maximum number of inmates have an opportunity to display handicraft items at art shows or public displays, the number of items which any one inmate shall be permitted to display, shall be limited to ten regardless of value.

53080.20.3 Sponsorship

The handicraft manager shall organize the exhibits/shows under the general supervision and sponsorship of the Associate Warden, Business Services.

3080.20.4 Participants

The exhibits/shows shall be restricted to inmate participants only.

- Each item offered for sale shall have the price established at the time it is submitted for entry. The price must be realistic and controlled by the handicraft manager. No price changes will be permitted. Ten percent is added to the inmate's asking price for deposit in the IWF.
- Sales shall be handled as described in DOM 53080.20.

53080.20.5 Publicity

Newspapers and TV stations are usually interested in the handicraft shows. Their staff is invited to review the entries and interview the inmate artists, if appropriate.

53080.20.6 Judges

The Associate Warden, Business Services and handicraft manager may select a panel of outside judges from the local community. Judging shall be prior to the public showing. The number of awards shall be based on entries.

53080.21 Revisions

The Deputy Director, Administrative Services, or designee shall ensure that the content of this section is accurate and current.

53080.22 References

PC §§ 2601(a), 2813, and 5006.

CCR (15) (3), §§ 3100-3109, 3190 and 3265.

ACA Standards 2-4392, 2-4452, 2-4453, 2-4458, 2-4459, 2-4461.

ARTICLE 35 — EDUCATION SERVICES*

Revised January 7, 1993

Not Cleared For Statewide Use

53090.1 Policy

The Department supports quality academic and vocational education programs that meet the needs and interests of the inmate population consistent with the operational and security priorities of individual facilities.

Each facility shall provide academic education, vocational training, library services, recreation, physical education, hobbycraft, and prerelease programs. The goal is to provide inmates with educational, occupational, and social skills to help them function better in the facility and upon return to society. These programs shall be coordinated statewide, accessible to inmates, consistent in quality and content, and in compliance with CCR, policies, and State and federal laws.

Educational staff shall meet the credential standards as set forth by the Commission on Teacher Credentialing and, as professional educators, are to be referred to as such in written procedures and policies.

Educational programs shall meet the Department's curriculum guidelines and shall use the competency based adult education curriculum. The curriculum shall be relevant to the practical needs of adults, both in facilities and the community.

It is departmental policy that the Warden shall ensure that inmates achieving below a 6.0 grade level or with limited English proficiency are assigned to adult basic education or English as a Second Language(ESL) programs.

The Warden shall make every effort to assign 15 percent of the inmate population to academic education and 18 percent to vocational programs.

Demonstrated competence of 80 percent on each certification test shall be the basis for certifying student progress and awarding educational credits.

53090.2 Purpose

The purpose of this procedure is to provide guidelines and standards for education services.

53090.3 Programs

Education includes academic and vocational instruction, industrial training, educational counseling, and apprenticeship.

Academic classes shall be offered to inmates from literacy through high school. Enrollment in classes shall be open-entry/open-exit if feasible. College classes may be offered based upon available funding.

Vocational programs shall offer training that teaches entry-level employment skills or upgrades current skills. Enrollment shall be on an open-entry/open-exit basis if feasible. TACs comprised of labor and management representatives from the community shall provide assistance to these programs.

Apprenticeship training programs for inmates shall be developed in cooperation with the local joint apprenticeship training committees, the California State Building and Construction Trades Council, and DAS.

53090.3.1 Responsibility

Headquarters

The Chief of Education and the Education and Inmate Programs Unit (EIPU) shall provide technical and consultative services to the facilities for academic and vocational education. This consultation service shall include a curriculum specialist who shall provide the needed expertise in implementing and maintaining the competency-based curriculum.

The Chief, EIPU, shall audit, evaluate, and report to the Assistant Deputy Director of Institutions on the academic, vocational, and apprenticeship activities at each facility.

The Chief, EIPU, shall be a member of the Director's executive staff.

The Chief, EIPU, through the facility's Supervisors of Correctional Education Programs (SCEP) shall coordinate efforts in obtaining accreditation from the Western Association of Schools and Colleges for each facility's education program.

Facilities

The Warden is administratively responsible for the academic and vocational programs at their facility.

The SCEP shall be a member of each Warden's executive staff.

The SCEP is directly responsible for the academic and vocational programs at the facility.

The facility academic and vocational staff shall develop, supervise, operate, and evaluate inmate educational programs.

Educational Advisory Committee

Each SCEP shall establish an educational advisory committee for academic education and for vocational education comprised of inmates. The education supervisors involved shall meet with these committees on a regularly scheduled basis (at least once monthly).

The objective of these committees is to provide a means to establish and maintain positive relationships with the students. Through effective use of these committees, it shall be possible to maximize the student's contributions to the academic and vocational programs and enhance the quality and acceptance of the programs.

The Chief, EIPU, the SCEP, and the educational staff in facilities and camps shall determine the types and content of courses consistent with the needs of students and policy of the Department.

53090.3.2 Credentialed Personnel

Personnel who teach and/or administer inmate education programs for which funds are provided shall possess an appropriate California teaching or service credential.

53090.3.3 Contracts

Facility staff may negotiate contracts with local school districts, county boards of education, and consultants if necessary.

53090.3.4 Classification of Inmates

Classification committees shall recommend inmates for education programs. An education representative shall sit on all initial classification committees. Recommendations shall be made on the basis of reception center studies, supplemental findings, and the inmate's needs, interests, and desires. In the event

there is not a grade-level test score, the inmate shall be given the test of adult basic education prior to classification action to assist in determining appropriate program needs. Facility needs shall also be considered in making education assignments within established policy guidelines.

53090.3.5 Enrollment of Inmates

The SCEP and the educational staff shall enroll inmates in particular academic or vocational programs. After inmates are enrolled in a course, attendance shall be considered contractual on their part until completion of the course or removal by a classification committee.

A basic education program for functional illiterates shall be established in each facility. Every effort shall be made by the facility staff to encourage the functional illiterate to enroll and participate in the program.

53090.3.6 Inmate Occupational Licensing

The Department shall provide an opportunity for inmates to obtain licenses in occupations that require licensing.

When an inmate enrolled in an education program is qualified to take an examination for an occupational license, the facility shall pay for that examination.

53090.3.7 Termination of Assignments

An inmate may be terminated from a course with the recommendation of the teacher and the approval of the supervisor and the classification committee.

If a vocational student is being recommended for a drop, the supervisor shall schedule the inmate for a counseling interview. Inmates may have the option to enroll or be placed on the waiting list for another vocational program for which they are qualified.

53090.4 Vocational Education

Vocational education programs shall:

- Be provided so that individuals leaving a facility have had the opportunity to learn a salable skill.
- Provide for a realistic balance between the vocational interests of individuals and the needs of business, industry, society, and the facility.
- Include instruction in reading, oral and written expression, computation, and social interaction as required by the occupation.
- Provide occupational information and guidance and, whenever possible, assist in the placement of inmates who have successfully completed the program.
- Be designed (recognizing new and emerging occupations) to prepare students for initial employment or for advancement.
- Be provided to allow individuals the opportunity to enter, progress, and exit as their specific needs dictate.
- Be developed and periodically revised to reflect societal, economic, and occupational changes.
- Be developed and continued on the basis of identifiable needs, TAC recommendations, employment statistics, current occupational surveys, and facility needs.

To the extent possible education training programs shall:

- Provide training required for permanent employment in the community.
- Support facility plant operations, PIA and business services. This support work shall complement the inmate's training program through OJT and work experience and it shall be instructional in nature.
- Have equipment which meets current industry standards. The Warden shall ensure that updating of vocational equipment receives a high priority in the facility's annual equipment budget requests.
- Be accredited to allow qualified inmates an opportunity to earn community college credit for vocational courses.

53090.4.1 Standards for Vocational Education Programs

Vocational education programs shall maintain the following minimum standards:

- A curriculum outline and course of instruction shall be developed, approved by the Chief, EIPU, and maintained in each vocational education area.
- The SCEP and/or the Supervisor of Vocational Instruction (SVI) shall review annually approved course outlines and courses of instruction. These shall be revised to keep current with changes in instructional materials, methodology, and course content.
- Each course of instruction shall have the necessary assignment information and job sheets as required in the curriculum outline.
- Each vocational instructor shall conduct and document not less than four hours of approved related, formal classroom instruction each week.

Each vocational instructor shall present a minimum of one hour of safety instruction per month. This instruction shall be appropriately documented and available for inspection. A safety committee comprised of inmate students shall conduct weekly safety inspections of equipment and facilities. Records of the safety inspections shall be maintained for one year.

53090.4.2 Procedures for Continuing Existing Programs

Vocational education programs shall be continued on the basis of identifiable facility needs, TAC recommendations, employment statistics, and a current occupational analysis. A facility planning to continue a vocational program after an instructor terminates employment shall complete the following procedures:

- Notify the Chief, EIPU, in writing immediately upon termination of any vocational instructor and plans for continuing the program.
- If a TAC for the program does not exist, contact labor and management and reestablish their support for the program and solicit their participation in a TAC.
- If a TAC is active, its endorsement of the plan to continue the program shall be obtained.

If the occupational analysis is negative, consider a program change. Request an exemption if the program provides facility support.

- If the vocational program is to be continued, the plan shall include:
    - A current job market analysis.
    - A curriculum outline.
    - The endorsement of the TAC.
    - A list of management and labor representatives who shall make up the TAC.

This plan shall be submitted to the Chief, EIPU, for approval and returned to the facility for retention in the appropriate vocational shop.

53090.4.3 Procedures for Addition/Change of a Vocational Education Program

A facility planning to add or change a program of vocational instruction shall submit the following to the Chief, EIPU:

- A summary of the job market analysis of the program, together with a copy of the survey instruments used.
- A list of potential employers.
- A list of labor and management representatives who have agreed to serve on the TAC.
- A tentative curriculum outline endorsed by management and labor.
- Lists of equipment available for training, a cost estimate of the equipment needed to meet course objectives, and a shop layout of the physical plant. If approved, the Chief, EIPU, shall ensure necessary funds are provided to initiate the program.
- If the program operates in conjunction with PIA, plant operations, or business services, include an agreement for funding, the plan of operation, and the scope of activities that shall be used for training.

53090.4.4 Procedures for Conducting a Job Market Analysis

Every five years the Chief, EIPU, shall assign job market analysis for existing programs to facility staff.

- The SCEP shall ensure completion of an accurate, comprehensive job market analysis for programs that have not had an analysis within the past five years.
- Job market analyses shall be assigned in January and completed and returned to headquarters by the end of March.

The job market analysis shall contain each of the following:

- A summary of the latest projections of employment for the State of California prepared by the State Employment Development Department (EDD).
- A summary of the latest standard metropolitan statistical area employment outlook prepared by the EDD.
- A job market analysis questionnaire shall encompass, but not be limited to, the following items:
    - General information on the vocational program to include a brief description of the program, location, major equipment, length of program, space occupied, and competencies offered.
    - The need for input and assistance from potential employers.
    - Question section to determine the employment potential, salary range, number of workers employed, turnover rate, licenses or certifications required, and the willingness to hire trained parolees.
    - A space for the name of the person responding, their title, the company's name, address, and telephone number.
    - A section for those persons desiring to serve as TAC members.
    - A section for comments.
- The survey questionnaire shall be sent to companies selected with an emphasis on major metropolitan areas. Retain the master lists of selected companies for a five-year update of job market analysis. The Chief, EIPU, shall determine the size of the sample group and any change shall have his/her prior written approval.
- All job market surveys shall include a stamped, self-addressed envelope for the return of completed questionnaires.

Copies of the questionnaire shall be retained in the event few or no responses are received. Use these questionnaires for follow-up telephone contacts.

The Chairperson of the TAC shall annually review the job market analysis. It shall be signed by the Chairperson and the SCEP after review for current relevancy. The signed review shall be forwarded to the Chief, EIPU, who shall review, comment, and return it to the facility.

53090.4.5 TACs

The Warden shall establish a representative TAC for each trade or occupation for which there is a vocational training program. Vocational TACs shall be composed of an equal number of representatives selected by management and labor. Local facility authorities shall appoint committee members from lists of names submitted by the groups represented. The objectives of the TAC shall be to provide advice and/or consultation on:

- Space and equipment requirements, instructor/student ratio training procedures, and instructor qualifications and selection.
- Establishing standards for inmate selection and training relevant to current methods and industry standards.
- Vocational guidance and evaluation of inmate trainees.
- Release employment opportunities.
- Improvement of mutual understanding among labor, management, and the Department.

The SVI shall ensure that each vocational instructor organizes and maintains an active TAC for their vocational training program.

Vocational instructors shall work closely with representatives of the TAC to ensure vocational training programs meet the changing employment needs and training trends in industry. The TAC shall meet at least quarterly. Exemptions to the quarterly meetings shall be requested from the Chief of Education due to the feasibility of conducting meetings in certain geographic locations.

53090.4.6 Review of Vocational Education Programs

The maintenance of a QC system for vocational education requires the periodic review of the goals, processes, and products of the vocational instruction.

The Chief, EIPU, shall review each facility vocational program.

The vocational education review teams shall involve, but not be limited to, supervisors, teachers, and students. These teams may include representatives of the community, labor, and management.

Vocational education programs shall be reviewed on the basis of criteria such as:

- The degree to which objectives are met.
- Job opportunities at State and local levels.
- Curriculum materials development/revision.
- Adequacy of physical facilities and equipment.
- TAC participation.
- Administrative support.

Instructors may be evaluated by:

- Self.
- Peers.
- Persons external to the system.
- Supervisors.
- Students.

53090.4.7 Policies Governing Apprenticeship Training

Apprentice training programs shall be developed in vocational education, plant operations, PIA, and business services where appropriate. These shall be submitted to the Chief, EIPU, for approval.

Standards required by the local joint apprenticeship training committee shall serve to guide facility staff in establishing and maintaining effective apprenticeship training programs. Indentured inmates enrolled in vocational training programs shall complete competency based curriculum as a prerequisite to the curriculum standards required for the apprenticeship training.

Joint apprenticeship training committees shall meet regularly to provide advice and guidance to apprenticeship program staff and students.

Inmate apprentices receiving OJT with plant operations, PIA, or business services shall receive related and supplemental instruction through facility education departments.

DAS approved curriculum shall be used in all apprenticeship programs established by the Department and local joint apprenticeship training committees.

An inmate apprentice may be considered for assignment to day labor projects after six months in an apprenticeship program and recommendation by the education staff. Apprentices shall be given first priority in the assignment of inmates to day labor projects if they meet custody and classification criteria.

Inmate apprentices shall not be removed from an apprentice-training program for other than custodial, medical, or legal reasons unless approved by the facility apprenticeship coordinator.

An inmate is to be retained at the facility and in the apprenticeship program from the time their name is submitted to the joint apprenticeship training committee for indenturing.

The facility apprenticeship coordinator shall write a chrono notifying the classification committee, inmate's counselor, inmate assignment office, and the inmate of their apprenticeship assignment. The chrono is placed in the inmate's C-File. If the inmate fails to become indentured, the facility's apprenticeship coordinator shall inform the same individuals or committees as above. All apprenticeship assignments shall be made by the facility apprenticeship coordinator.

Inmate apprentices shall not be transferred to another facility for other than security, medical, or legal reasons unless the apprenticeship training can be continued at the receiving facility.

- Such transfer shall require a complete assessment of the inmate's training needs.
- It must be determined to be in the best interest of the inmate and their status as an apprentice.

Incentives shall be provided to inmate apprentices for participation and work performance.

Inmate apprentices shall be tracked to ensure that a continuity of apprentice training is maintained and to better match apprentices to available work experience projects. The facility apprenticeship coordinator shall notify the appropriate union and other assisting agencies before the inmate's release.

The Chief, EIPU, shall maintain a file on each indentured inmate apprentice.

53090.5 Academic Education Policy

All curriculums shall be competency based and structured to require interaction between basic skills and life skills. Academic education curricula includes the teaching of skills and information which shall enable the student to:

- Demonstrate mastery of basic skills.
- Demonstrate knowledge of effective life skills.
- Qualify for vocational training.
- Achieve self-awareness.
- Understand the role and responsibility of a citizen in free society.

Each facility's academic program shall establish an academic advisory committee comprised of teachers and other staff, inmates, outside educators and individuals from the community for the purpose of reviewing the academic program and make recommendations to the CDC Assembly Bill 3005 advisory committee.

53090.5.1 Scope of Academic Education

Academic education includes, but is not limited to, the following:

- ESL.
- Adult basic education (ABE).
- Adult high school.
- Equivalency programs.
- College classes (where feasible).
- Prerelease classes.
- Special programs.

53090.5.2 English as a Second Language (ESL)

Non- or limited-English speaking students are to be enrolled in an ESL program to learn to read, write, and speak English. The educational goal is to enable students to be integrated into other educational or facility programs. Certificates of completion shall be awarded each inmate successfully completing the ESL program.

53090.5.3 Adult Basic Education

Students achieving below sixth grade level are to be enrolled in ABE. The curriculum shall include, but not be limited to, the following:

- Reading.

- Writing.
- Speaking.
- Listening.
- Spelling.
- Language.
- Arithmetic.
- Life skills.

Certificates of completion shall be awarded each inmate successfully attaining the following levels of achievement:

- ABE I (0 through 3.9 grade level).
- ABE II (4.0 through 6.9 grade level).
- ABE III (7.0 through 8.9 grade level).

53090.5.4 Adult High School

Students achieving at or above the 9.0 grade level shall be eligible for enrollment in adult high school.

ABE III students may enroll in a General Education Development (GED) preparation course. Upon passing the GED predictor test, the student may sign up to take the GED test or the California High School Proficiency Examination (CHSPE). The cost per student for the examinations and equivalency certificates are to be borne by the facility.

Upon successful completion of the GED or CHSPE examinations, a certificate of equivalency shall be awarded.

Graduation ceremonies shall be scheduled for eligible students.

Upon satisfactory completion of high school graduation requirements, a high school diploma shall be awarded.

The adult high school curriculum shall include, but not be limited to, the following:

- Language (mechanics and usage of language).
- Reading (vocabulary /reading comprehension).
- Mathematics (reasoning/fundamentals).
- Life skills.
- High school courses which meet high school graduation requirements.
- Preparatory courses for the GED or CHSPE program.

53090.5.5 College

Students with either a high school diploma, GED certificate, the CHSPE certificate, or a 10.0 grade level of achievement each in reading comprehension/vocabulary and general mathematics are eligible to enroll in lower division college credit courses leading to the Associate of Arts or Science degree.

The SCEP shall approve all college courses paid for with State funds.

Students who have Associate of Arts or Science degrees from accredited colleges or have completed 60 units of lower division course work are eligible to enroll in upper division college credit courses leading to the Bachelor of Arts or Science degree where feasible.

53090.5.6 Inmate College Education Leave

The Director may, under PC 2690, authorize the temporary removal from prison of certain inmates to attend college classes.

This leave is exceptional and shall be processed and approved as described in the DOM 62070.7.

53090.6 Prerelease Program

A prerelease program provides the opportunity for inmates to enhance the life skills necessary for success on parole. Through a systematic process, specific classes and services are provided to acquaint, prepare, and assist inmates for successful reentry into the community. A prerelease program is a process designed to bridge the gap from dependent facility living to successful, self-directed community adjustment. The prerelease program is available to inmates in prerelease status, regardless of their eligibility for work furlough or discharge.

53090.6.1 Responsibility

Each facility shall provide a voluntary prerelease program for inmates.

The prerelease program shall be under the direction of the SCEP.

The facility's CRM and facility's Community Correctional Center Coordinator shall assist in obtaining resources outside the facility. This shall include the input and participation of the P&CSD staff, making community contacts, and providing necessary support resources and materials to implement the prerelease program curriculum.

53090.6.2 Requirements

The departmental standardized curriculum for the facility's prerelease program shall be three weeks in duration. The teacher is to be provided one-week preparation time between each three-week prerelease class.

The prerelease program shall be a full-time work/training program for five days a week.

Inmates shall complete this education program no less than 15 days and no more than 45 days before parole from the facility.

Any inmate being paroled to a "federal hold," "hold from another state," or a "deportation hold" shall not participate in this program.

53090.6.3 Curriculum

The prerelease program curriculum shall include:

- Employability skills.
- Communication skills.
- Money management skills.

- Community resources.
- Parole resources.

For further curriculum detail, refer to the CDC competency based prerelease curriculum.

53090.6.4 Evaluation

To provide for a standardized evaluation, at the conclusion of the prerelease program each participant shall have:

- A list of five objectives to achieve within the first 30 days of parole or release.
- The names and addresses of five public or private agencies available to assist the parolee/releasee in their county of parole.
- Participated in at least one mock job interview.
- A California driver's license/identification card or procedures to obtain one.
- Completed screening for DOR program(s).
- Completed review of PC 290 and H&SC 11590 for registration requirements.
- Received a copy of the "conditions of parole" and "pardon" information.
- Received a map of the location of the parole office to which they are to report.
- Received a pocket job application.
- Received an acceptance or rejection for unemployment insurance.

53090.7 Special Programs

Reasonable accommodation shall be made for those inmates who have documented physical, mental, psychiatric, or learning disabilities to provide access to educational programs.

Educational services may be provided to inmates housed in SHUs.

53090.8 Records

The facility's SCEP shall be responsible for the accuracy and completeness of educational records when inmates are received, transferred, or released.

The facility's SCEP shall maintain accurate records of all educational achievements and report these data annually on the year-end report.

Records to be Maintained and Data to be Reported

The following data shall be reported, and the certificates listed shall be issued. Other certificates, in addition to those required, may be issued:

- Number of:
  - Certificates of completion ESL.
  - Certificates of completion ABE I.
  - Certificates of completion ABE II.
  - Certificates of completion ABE III.
  - GED high school equivalency certificates earned.
  - High school diplomas earned.
  - College courses completed.
  - College degrees earned.
  - Certificates of achievement, vocational education.
  - Certificates of completion, vocational education.

An official copy of the GED test scores shall be maintained at the facility's education office as a permanent record on each inmate who takes the test.

An official copy of the State of California transcript of high school record shall be maintained as a permanent record at the facility's education office on each inmate working toward a high school diploma.

53090.8.1 Transcript of High School Record

Transcripts of educational records to outside agencies or schools shall be made on the State Department of Education Transcript of Record Form.

53090.9 CDC Forms, Records, and Reports

The following official CDC forms shall be:

- Posted daily:
  - CDC Form 151, Permanent Class Record Card.
  - CDC Form 191, Inmate Time Card.
  - CDC Form 1697, Inmate Work Supervisor Time Log.
- To report quarterly and at termination or at the end of the college term:
  - CDC Form 128-E, Education Progress Report.
- A CDC Form 153, Vocational Training Evaluation Report (recording section), shall be prepared for each inmate at the time of enrollment, retained by the instructor in the student file, updated quarterly, and completed at termination.
- Only file copies of CDC Form 154, Transcripts of High School Records, and official report of test results of GED shall be retained.

53090.10 Education Reports

Monthly

The SCEP shall prepare the monthly education report. One copy of the report shall be sent to the Chief, EIPU, by the tenth working day of the month. The report shall reflect the month's educational activities. Changes in the format shall be permitted only with the specific approval of the Chief, EIPU.

Quarterly

The SCEP shall prepare the quarterly report. One copy shall be sent to the Chief, EIPU, by the tenth working day of the month following the end of the quarter. Changes in format shall be permitted only with the specific prior approval of the Chief, EIPU.

The following reports are due quarterly:

- Budget report.
- Prerelease report.
- Library report.

Annually

The SCEP shall prepare the annual education report. One copy shall be sent to the Chief, EIPU, by the tenth working day of the month following the end of the fiscal year. The report shall reflect the year's educational activities. Changes in the format shall be permitted only with the prior approval of the Chief, EIPU.

53090.11 Regulations and Work Schedule Pertaining to Staff

State civil service rules provide for a minimum workweek of 40 hours.

The standard minimum hours of instruction for full-time civil service and contracting school district teachers shall be 30 hours per week. The Chief, EIPU, shall approve in advance all exceptions to this schedule.

Preparation Time

In conformity with regularly accepted public school practice, all full-time academic and vocational instructors shall be allowed the equivalent of one hour per day preparation time. The SCEP, with the approval of the Warden, shall determine the time of day set aside for this purpose.

Time set aside for preparation shall be utilized for educational purposes. This shall include, but not be limited to, the following:

- Development of lesson plans.
- Prepare inmate timekeeping records.
- Writing or updating course outlines.
- Curriculum development, etc.

The SCEP, SVI, and the Supervisor of Academic Instruction shall see that the time is used for the purpose for which it is intended.

The education staff at each facility shall be given at least three days at the end of each quarter. This time may be used for such activities to include, but not limited to, the following:

- Complete quarterly student reports.
- Post student achievement on CDC Form 154.
- Attend facility/education training.
- Work on curriculum revision.
- Make industrial/program visitations.
- Prepare lesson plans.

Teacher Assignment

The SCEP shall assign teachers/instructors to educational programs.

Teachers/instructors shall be assigned to programs compatible with their credentials.

Special education programs shall be taught by appropriately credentialed teachers.

Teachers/instructors shall be provided duty statements and job descriptions for their assignments.

53090.11.1 Incentive Salary Increase

Teachers/instructors shall be considered eligible for an incentive salary increase if they:

- Receive less than Range F under the regular pay plan.
- Or receive less than Range P under the 10-12 pay plan (see Unit 3 contract).
- Complete six semester or nine quarter units of college level courses approved by their department, taken after appointment.

An employee shall receive only one incentive increase in any calendar year.

53090.11.1.1 Criteria for Course Selection for Incentive Salary Increase

Courses shall be selected to ensure direct contribution to the improvement and upgrading of the teacher/instructor in their work.

The teacher/instructor shall prepare a CDC Form 401, Request for Education Leave and/or Salary Incentive Courses, and route it to the SCEP after supervisor approval. The teacher/instructor shall secure approval before enrolling in the course(s).

The SCEP shall determine that the course(s) will contribute to the improvement and upgrading of the teacher/instructor as it relates to their work before approving the request.

Incentive salary courses require the approval of the Supervisor of Academic or Vocational Instruction and the SCEP.

53090.11.2 Uniformed Personnel for Searches

The Department shall make efforts to provide uniformed personnel to perform required inmate searches. The Warden may require education staff to perform searches of their students on a temporary basis because of unavailability of uniformed personnel. In such cases, the facility shall provide instruction to the education staff.

53090.11.3 Facility Emergencies

During an extreme emergency, teachers/instructors shall be assigned as required to custodial or other duties for which they have received instructions.

During an emergency or lockdown, teachers/instructors may be required to perform other duties as needed, consistent with their professional skills or for which they have received instructions.

53090.11.4 Inmate/Student to Teacher/Instructor Ratios

Refer to Unit 3 Contract.

53090.11.5 Use of Teachers/Instructors for Other Than Instructional Purposes

The use of an academic teacher or vocational instructor for other than instruction of inmates requires prior written approval of the Chief, EIPU (except during an emergency). The SCEP shall prepare such a request for the Warden's signature and submittal to the Chief, EIPU, for approval. The request shall contain:

- A clear and concise justification for the request.
- A description of the duties to be performed.
- The length of the assignment.
- An explanation of how the inmates currently assigned to the teacher/instructor shall be programmed.

53090.12 Business Budgetary Procedures

The SCEP shall, by the end of the third quarter, submit to the Chief, EIPU, projected budgetary needs for the next fiscal year for each of the following areas:

- Law library.
- Inmate library.
- Academic operating expense.
- Vocational operating expense.
- Contract education.
- Education leave.
- Equipment.

53090.12.1 Preparation and Submission of the Academic Agreement and Contract Transmittal

Revised May 25, 1993

CDC Form 930, Academic Agreement shall be used in contracting academic education service with a school district.

Standard Form 15, Contract Transmittal and Pre-evaluation Form, shall be used and completed in the transmittal of the academic agreement.

Academic contract agreements shall be negotiated between the facility staff and school district boards of trustees or colleges for the ensuing fiscal year prior to the final date enacted for the initiation of the yearly contract for tenured teachers.

The total amount of the academic contract and/or contracts shall not exceed the facility's allotment for contractual services.

The academic agreement shall be negotiated within the maximum allowable amount. The maximum amount to be paid to the contractor, beyond that expended for teachers' salaries, shall be in keeping with the rules and regulations of the DOF .

53090.12.2 Accounting and Disbursement of Funds

Revised May 25, 1993

Each facility shall adopt and maintain the following attendance reporting procedure for day and/or evening contract teachers:

- The Graphic Arts Form 83, Daily Attendance Report, or the local cooperating school district's attendance form, if satisfactory to both the local school district and the facility's Business Manager shall be used. After certification by the SCEP, one copy shall be forwarded at least once each month to the accounting office and one copy forwarded to the local school district.
- Invoices are to be submitted by the school district to the office of the Business Manager at least quarterly. The number of copies to be submitted are to be determined by the Business Manager.

The office of the Business Manager shall audit each invoice against the attendance records that have been credited by the education unit timekeeper.

For proper recording of payment for the services rendered, the school district shall record on the reverse side of the invoice a listing of salary payments to each district instructor showing name, date, and amount. The facility may also require the warrant number be shown on the invoice if local circumstances indicate this is desirable. The Business Manager shall record on the face of the invoice the date the contract is approved by the DOF.

The Business Manager shall maintain accounting records in order to keep the SCEP and the school district fully informed of the availability of funds specifically appropriated for maintaining the program.

The attendance records are to be retained with a copy of the invoice and shall remain on file with the Business Manager for a sufficient period of time to permit a complete audit by the DOF.

53090.13 Revisions

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

53090.14 References

PC §§ 290 and 2690.

H&SC § 11590.

SPB Rule 91.1, 98.9, 369, and 370-374.

GC § 19335.

Unit 3 Contract.

EdC.

ACA Standards.

DOM § 62070.

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 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 lockdowns 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.

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.

Diaz v. Watts, 189 Cal. App. 3d 657.

ARTICLE 37 — CHARITABLE FUND-RAISING CAMPAIGNS

Revised March 25, 1992

53110.1 Policy

A Warden or RPA may grant authorization for inmate participation in campaigns for recognized charitable causes, (e.g., United Fund, Heart Fund, Cancer Fund, common local charities, etc.). Inmates may be authorized annual participation in a maximum of three campaigns for recognized charitable causes per inmate activity group.

53110.2 Purpose

This procedure implements policy for inmate donations and fund raising campaigns in accordance with the CCR and the designation of authority and responsibilities in conducting such fund drives.

53110.3 Warden's Responsibilities

Wardens shall designate an Associate Warden or community resources manager to review and recommend action on all requests for withdrawal and transmittal of inmate funds for charitable causes.

53110.3.1 Associate Warden's Responsibility

The Associate Warden, CRM, or designee should be sufficiently aware of illicit activities, within the facility, to detect trust withdrawal and transmittal of inmate(s) funds to support such activities. On the Associate Warden's or community resources manager's recommendation and approval of the Warden, the inmate trust office personnel shall process the transmittal of funds for charitable contributions.

53110.4 Individual Inmate's Responsibilities

An inmate may at any time request the Warden's permission to make a voluntary donation to a charitable cause. Approval shall be subject to the following conditions:

- There is no evidence of coercion.
- The amount is not disproportionate to the inmate's trust account balance.
- The inmate is not incompetent.
- The amount is $1.00 or more.
- The cause in no way advocates any actions that could jeopardize the safety and security of the facility.

53110.5 Inmate Charitable Group Fund Drives

Inmate charitable group fund drives may be conducted through solicitation of inmate population or the sale of products, commodities, or services to the general population, as specifically approved by the facility head.

53110.5.1 Deductions for IWF

A ten- percent deduction shall be made from funds derived from the general population for deposit in the IWF to offset the cost of necessary trust office transactions. Wardens or RPAs may exempt any fund fee for the IWF when all proceeds of the group's fund drive are to be dispersed to an approved charity. Monies collected from sales of products, commodities, or services shall be subject to the deduction on gross sales.

53110.5.2 Procedures for Inmate Participation

Applications for participation in a charitable fund drive shall be submitted in writing to the designated Associate Warden or community resources manager by the staff sponsor of the inmate group. Applications shall be submitted two months in advance of the proposed fund drive. Also:

- Fund drives conducted by activity groups shall not compete with approved or recognized inmate charitable fund raising drives.

53110.5.3 Trust Withdrawal Approval Levels

Trust transactions may be approved in writing by the following personnel:

- $25.00 or less by the group's principal staff sponsor.
- $25.00 to $300.00 by the designated Associate Warden or community resources manager.
- Above $300.00 by the Warden or RPA.

53110.6 Procedures for the Sale of Product or Commodity

Charitable fund raising activities which involve the sale of a product or commodity shall be thoroughly screened prior to approval to prevent the introduction of contraband into the facility.

- The activity group's staff sponsor shall provide and arrange for supervision regarding all phases of the charitable fund raising activity and collecting of cash funds.
- Sales made to employees shall be paid in cash, either to the staff sponsor or the accounting office. Food sales shall be limited to $50.00 per employee.

53110.7 Procedures for Accepting a Group Donation

Charitable donations shall require not less than two-thirds approval of the active membership of the inmate activity group and approval shall be determined by secret ballot vote under the supervision of the staff sponsor. A group representative shall be selected by the membership to assist the staff sponsor in tabulating and verifying the membership votes.

53110.8 Soliciting Contributions

Inmate solicitation for contribution to an approved charitable fund raising campaign shall be confined to the inmate population.

53110.9 Inmate Participation

Inmates are not obligated and shall not be coerced to participate in any charitable fund raising campaign or to make any donations, other than on a voluntary basis.

53110.10 Restrictions on Inmate Participation

All activity relating to a charitable fund raising campaign shall be conducted during the inmates' off-duty time and the staff sponsor's off-duty time.

53110.11 Revisions

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

53110.12 References

PC §§ 2079, 5054, and 5058.

CCR (15) (3) §§ 3020, 3240, and 3241.

ACA Standards 2-4028, 2-4048, 2-4053, and2-4459.

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 Warden's 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 for services rendered.

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

Effective January 3, 1990

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 Director for performance in credit qualifying work, training or educational programs. 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 IW/TIP Coordinator

Each Warden shall assign a CC-II as the institution IW/TIP coordinator who shall report directly to the chief deputy Warden. Each RPA shall assign a PA-II as the region's IW/TIP coordinator, who shall report directly to the deputy Regional Administrator. The IW/TIP coordinator shall provide mandatory training to all staff who supervise inmates or who perform other functions related to the work/training incentive program. The coordinator shall ensure that internal compliance evaluations of the facility IW/TIP program are conducted at least quarterly and the results reported to the Chief Deputy Warden/RPA.

53130.4 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 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.

53130.4.1 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 the following:

- PC 217 commitments (attempts to commit murder of public officials).
- PC 667.7 commitments (habitual offender/crimes involving GBI).
- PC 667.75 commitments (habitual offender/drugs w/priors).
- 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.)

53130.4.2 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.

53130.4.3 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 lifer cases described in DOM 53130.4.1 shall require a waiver on crimes committed prior to 1-1-83.

53130.5 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.)

53130.6 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 seven work/training group designations shall be utilized by the Department:

- Group A-1: Full-time work/training assignment.
  - One day credit for each day of qualifying performance (day-for-day) or six months credit for each six months full-time performance.

- Group A-2: Involuntarily 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 SHU or PHU.
  - 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.

53130.6.1 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 six hours and the work week no less than 30 hours. Those programs requiring an inmate to participate during other than the normal hours 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 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 time card 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 equating to 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 bachelors degree in four years.
  - 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.

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 incredit courses leading to an associate or bachelor degreeshall be classified as a half-time assignment.

Involuntarily Unassigned (Group A-2)

- An inmate willing but unable to perform in a full-time assignment due to unavailability of an 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.

Voluntarily Unassigned (Group C)

- An inmate who refuses to perform in an assignment, or who is placed on non-credit earning status by classification committee action for frequent assignment related disciplinary violations.
  - 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.
  - 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.
  - AD-SEG, PHU.
  - Inmates placed in assignments by classification committee action while in this status shall be placed in the appropriatework/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 SHU or PHU who refuses to accept or perform work/training assignments.

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.

53130.6.2 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, program staff and work/training supervisors. (Refer to DOM 73030, Time Computations.)

Time Credit Calculations

All classification actions and inmate appeal actions affecting an inmate's release date, e.g., work group changes, credit forfeitures and/or restorations, etc., shall be forwarded to case records for calculation of a new release date. Time credit calculations shall be computed and processed per DOM 73030. The inmate shall receive a copy of all release date changes and/or modifications.

53130.7 Privileges

Privileges for each work/training incentive group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits not required of the Director 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.
- All or a portion of privileges available to a work/training incentive group may be denied, modified, or temporarily suspended at a disciplinary hearing upon a finding of an inmate's guilt for a disciplinary offense 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 by classification committee action under provisions of CCR 3375. Disciplinary or classification committee action temporarily 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.

Privileges During Lockup

Changes in privilege group status due to the inmate's placement in lockup:

- An inmate housed in AD-SEG, SHU, or PHU shall be designated privilege group D. However, if assigned to a qualifying work/training program within the special housing unit, the inmate shall be assigned privileges of a higher group, if such privileges are available within the housing unit.
- An inmate working in lockup units while serving a determinate SHU term shall be retained in privilege group D only, irrespective of their work/training assignment.
- An inmate removed from the general population for disciplinary or administrative reasons shall surrender their privilege card to staff pending review by classification committee.

Re-Entry

An inmate in a re-entry furlough assignment shall be eligible for available privileges subject to working eight hours per day and shall not require a privilege group designation. A re-entry inmate placed in a county facility shall be entitled to the same privileges accorded county prisoners and provided for under terms of the Department's contract with the county facility.

All privileges shall be conditioned upon the inmate's compliance with the procedures governing those privileges, continued eligibility and possession of an appropriate privilege card, good conduct and acceptable participation in their work/training assignment. Inmates returned to custody from parole may be eligible to receive privileges based on their participation in a work/training assignment.

53130.7.1 Privilege Group Criteria

Four 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 departmental physician or psychiatrist as totally disabled and incapable of performing a work/training assignment.
  - Diagnosed by a departmental physician 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.
- Group C.

    - General population inmates who refuse to accept or perform in a work/training assignment.
- Group D.
    - Inmates in special housing units who are not assigned to either a full-time or half-time work/training program.

53130.7.2 Group Privileges and Restrictions

Privileges for Group A are as follows:

- Family visits limited only by the institution/facility resources or security policy.
- Visits during non-work/training hours, limited only by availability of space; or during work hours when extraordinary circumstances exist as defined in DOM 53130.8.2.
- Maximum monthly canteen draw as authorized by the Director.
- 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 53130.8.1.
- The receipt of four special 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.
- Visits during non-work/training hours, limited only by availability of space; or during work hours when extraordinary circumstances exist, as defined in DOM 53130.8.2.
- One-half of the maximum monthly canteen draw as authorized by the Director.
- 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 53130.8.1.
- The receipt of four special 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 C are as follows:

- No family visits.
- One-fourth the maximum monthly canteen draw as authorized by the Director.
- 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 accrual of excused time off.
- No special 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 Director.
- 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 accrual of excused time off.
- May be permitted to receive one special package, not to exceed 30 pounds maximum weight, per year.
- 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 Director.
- 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.
- No accrual of excused time off.
- No special canteen purchases.
- No special packages.

53130.7.2.1 Privilege Cards

Privilege cards shall be issued to inmates in accordance with their assigned privilege groups as follows:

- Group A. Inmates in group A shall receive a CDC 130 (red) privilege card with photo.
- Group B. Inmates in Group B shall receive a CDC 130-A (blue) privilege card with photo.
- Group C, D, and U inmates shall not possess a privilege card.

Privilege cards shall be maintained in the possession of inmates eligible to receive privileges and shall be presented to staff upon request to receive or participate in an authorized privilege. Failure of an inmate to possess or present a privilege card to staff on request shall be grounds for denying a requested privilege.

53130.7.2.2 Issuance of Privilege Cards

Initial privilege cards and replacement cards shall be prepared by the institution records offices in accordance with DOM 72010.3.

- Correctional counselors shall be responsible to obtain the privilege cards from the records office for issuance to the inmates.

53130.7.2.3 Control of Privilege Cards During Transfer

Privilege cards of inmates during transfer shall be handled in the following manner:

- Receiving and release (R&R) staff shall retrieve privilege cards from inmates prior to transfer and give them to transportation personnel.
- Transporting personnel shall give the privilege cards to R&R staff at the receiving institution who shall reissue the cards to the incoming inmates.

Parole, Out-to-Court, Etc.

- Privilege cards on inmates leaving to parole, re-entry, out-to-court, or on appeal bond, shall be retrieved by R&R staff and forwarded to the records office.
- Upon return of an inmate from out-to-court, or appeal bond status, the card shall be reissued to the inmate by counselling staff.

Transfer Record (CDC Form 135)

- Privilege cards retrieved by R&R staff during transfer shall be bound with the inmate ID card (on top of privilege card) and given to transporting staff. The privilege card and group designation (A or B) shall be recorded in the remark column on the CDC Form 135, Transfer Record, by R&R staff.

53130.7.2.4 Changing Privilege Groups

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 53130.7.

Exchange or Confiscation of Privilege Card

When an inmate's privilege group is temporarily suspended or reduced, the privilege card shall be immediately confiscated by the disciplinary hearing officer or by the inmate's counselor if the action is effected by classification action, and processed as follows:

- When privileges are suspended, the privilege card shall be forwarded to the records office for storage during the period of suspension.
- When privileges are reduced, e.g., from privilege group A to privilege group B, the red card shall be confiscated, taken to the records office, and exchanged for a blue card for use by the inmate during the period of reduction.

53130.8 Excused Time Off (ETO)

Inmates assigned to work/training groups A and B shall accumulate excused time off (ETO) to be accrued and used as described in this section.

53130.8.1 Accrual of ETO

Work Group A-1

ETO shall be accrued in the following manner:

- Sixteen hours ETO per month for performance in a full-time assignment. (Twenty days or more per month shall constitute a full month.)
- No more than 192 hours of ETO shall be accumulated annually by work group A-1 inmates.
- Work group A-1 inmates required to work on a state holiday shall receive an additional eight hours of ETO.

Work Group B

- Eight hours ETO per month for performance in a half-time assignment.
- No more than 96 hours of ETO shall be accumulated annually by inmates in work group B.
- Work group B inmates required to work on a state holiday shall receive an additional four hours of ETO.
- Legitimately accumulated ETO up to the maximum allowed shall not be forfeited.

53130.8.2 Use of ETO

Departmentally approved activities for which ETO may be approved by work 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; clergymen, family members or close friends may visit the inmate to offer condolences or inform the inmate of the occurrence.
  - Infrequent visits. When an inmate normally receives infrequent visits and a visitor unexpectedly arrives. 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 53130.9.)

- Temporary community leave.
- Special religious functions, other than routine services.
- 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/approved in no less than two-hour 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 CDC Form 191, Inmate Time Card, and on the daily inmate timekeeping log.
- Accrual and use of ETO shall be recorded monthly by records office staff.
- Use of ETO for any other reason than outlined above shall require approval by the Director.

53130.9 "S" Time

"S" time (security time off) is an authorized absence from an inmate's work/training assignment that is required by the prison administration and/or beyond the inmate's control.

Recorded "S" time shall be considered the same as time worked for purposes of credit earning.

53130.9.1 Authorized Use of "S" Time

"S" time shall be authorized for the following reasons:

- Institutional lockdown.
- Emergency recall.
- Attorney visits.
- AD-SEG for which the inmate is held not responsible by disciplinary or classification hearing process.
- 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.
- Emergency or life threatening medical or dental treatment.
- Temporary interruption/delay in 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.
- BPT' 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 Director.

53130.9.2 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

- The medical department shall be authorized to use the institutional pass (ducat) system for routine medical contacts. When it becomes necessary to address an urgent health care problem where the required service cannot reasonably be scheduled during the inmate's off-duty hours, the "priority ducat" system shall be authorized. Use of the "priority ducat" system shall be limited to urgent medical, dental and psychiatric situations.
- Requests for medical "priority ducats" shall be identified and prepared separately in accordance with the procedure outlined above regarding priority casework contacts. The requests shall be reviewed and approved by either the CMO, Chief Dental Officer, or the Chief Psychiatrist.
- 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.

53130.10 Assignments

Inmates shall be assigned to appropriate work/academic/vocational programs by classification committee action. Ethnic balances shall be considered when making assignments.

Pending assignment to a permanent work/training program, or when a regular program is temporarily suspended, inmates may be assigned, with or without their consent, to any work/training program decided upon by a classification committee or staff member responsible for the assignment of inmates.

53130.10.1 Performance Standards

Inmates shall perform assigned tasks diligently and conscientiously, and shall not pretend illness or otherwise evade attendance in their assigned work and program activities. These performance standards shall be emphasized.

Job Description

A job description shall be developed for each distinct inmate work/training position. The job descriptions shall set forth the minimum acceptable standards of participation and performance and the possible consequences for failure or refusal to meet the standards. Inmates shall sign and be given a copy of their job descriptions.

Program Evaluation Reports

Quarterly performance evaluations shall be prepared by staff on all assigned inmates using the following forms:

- Work assignments. CDC Form 101, Work Assignment.
- Education/vocation program. CDC Form 128-D, E, F, or L Educational/Vocational Progress Evaluation as appropriate.
- Medical. CDC Form 128-C, Therapy Progress Report.

Upon termination of an inmate from an assignment for any reason, an appropriate program evaluation report, as described above, shall be submitted by the work/training/medical supervisor.

Request for Removal from Program

Staff requests for removal from a program shall be submitted to the inmate's counselor on a CDC Form 128-B for consideration by an appropriate classification committee.

53130.10.2 Special Assignments

Special assignments are defined as departmentally approved special programs, temporary or short-term assignments for departmental convenience, and certain medical/psychiatric categories which require 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-releaseProgram

- Inmates assigned to a full-time institution/facility pre-release program shall retain full credit earning status (work/training 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.

53130.10.2.1 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.
- On-the-job injuries.
- Inpatient hospitalization cases.
- Medical/psychiatric treatment category cases; "H", "N", and "I".
- DMH placements per PC 2684, 2690, and 1364.

53130.10.2.2 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 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 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 with final discretion for determination of the inmate's work group/credit earning status remaining with the institution classification committee.

Short-Term Medical/Psychiatric/Dental Unassignments or Lay-Ins

Inmates who are sick and require a medical lay-in or a medical unassignment for 29 days or less shall utilize accrued ETO time. Sick time must be approved/authorized by the appropriate institution medical authority.

The appropriate medical staff shall initiate a CDC 128-C specifying the reasons for the condition and the expected date that the inmate shall be able to return to work. The original shall be sent to the records office. The inmate shall be responsible for notifying their work supervisor. Sick time must be approved/authorized by the appropriate institution medical authority. The work supervisor shall record each day of the inmate's absence with the symbol "E" (excused). The records specialist shall deduct the necessary excused time off (ETO) and administratively grant time credits based on the inmate's work/training group status.

Exhausted ETO

If the inmate exhausts or does not have sufficient ETO to account for the length of the absence, records office staff shall administratively change the exhausted "E" time to "A" (absent) on a daily basis and adjust time-to-be-served credits accordingly. If the doctor subsequently decides that the inmate should continue on medical unassignment, the combined total of which would exceed the maximum of 29 days, the doctor shall initiate another CDC 128-C and refer the matter to a classification subcommittee for program review. The inmate shall continue to earn ETO time while on temporary medical lay-in or medical unassignment status.

Long-Term Medical Psychiatric Unassigned Cases

In cases where the medical condition necessitates that the inmate become medically unassigned for 30 days or more, the doctor shall initiate a CDC 128-C which shall indicate a date that the inmate shall be able to return to work. The original CDC 128-C shall be sent to the records office with copies to the assignment lieutenant and the classification committee coordinator in the inmate's housing/program unit. The assignment lieutenant shall change the inmate's status to medically unassigned pending reclassification. The classification committee shall confirm the inmate's medical/psychiatric 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, involuntary unassigned, to be effective upon the exhaustion of their accrued ETO.
- 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 upon the exhaustion of their accumulated ETO.
- 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.

On-The-Job Injuries

On-the-job injuries shall be documented on CDC 128-C by the CMO. Inmates shall be retained in their existing work group until medically approved to return to work.

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 inpatient 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, involuntary unassigned, to be effective upon the exhaustion of their accrued ETO.
- 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 upon the exhaustion of their accumulated ETO.
- 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, and CMC-East. Inmates with medical needs that cannot be met in CDC 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 and CMC-East. 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 only at CMF and this designation shall be made by CMF staff. Other institutions with inmates who appear to meet category I criteria shall transfer such cases to CMF for inpatient psychiatric observation pending CMF 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 the psychiatric programs at CMF, CMC, and CIW 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.

53130.10.2.3 Reception Center/Layover (Credit Earning Status)

Inmates in reception centers undergoing processing or inmates on layover (en route) status in other institutions shall only be assigned into half-time assignments. Any exceptions to this policy require special approval from the Deputy Director, Institutions Division.

Process or layover status inmates placed on a half-time assignment shall have their time recorded on the reception center timekeeping log CDC Form 1690. This form shall be filled out by the work supervisor and signed by the inmate. The same security requirements shall apply to this form as the regular CDC Form 191, Time Card. The completed form shall be maintained in a secure area for one year at the initiating institution. A copy shall not be placed in the C-File. A copy may be issued to the inmate upon written request.

This temporary assignment status shall not require any change in the inmate's work/training group status.

53130.11 Timekeeping/Reporting

Work/training supervisors shall be responsible to record and report all work/training time and absences of inmate's assigned under their supervision as outlined in this section.

Time Cards

A CDC Form 191, Time Card shall be used to record and report all work/training time of assigned inmates. The data submitted on time cards shall be used to compute inmate pay, accrual/use of ETO and release dates.

Falsification of Time Cards

Mismanagement and/or falsification of inmate time cards by staff is a violation of GC 6200 and 6201 which may result in disciplinary action and/or prosecution.

Work Supervisor's Time Log

The Work Supervisor's Time Log, CDC 1697, shall be used to record work credits for inmates housed within the institution, work furlough and return-to-custody facilities, the exception being those mandated by Education, PIA and the camp program. This log shall be the source document for the resolution of complaints/appeals regarding the accumulated work credits.

This document is to be secured in a locked metal container and upon completion shall be retained at the location designated by local administration for a period of twelve months. Any staff member responsible for recording sentence reduction credits shall also be responsible for the security of the documents.

The top portion of the Work Supervisor's Time Log must list the following information and be printed legibly in ink, preferably black.

- CDC number.
- Inmate's name.
- Ethnicity.
- Month.
- Year.
- Job title.
- Hours of assignment.
- Regular days off.
- Pay level.
- Pay number.
- Timecard number (enter number in cases of time disputes.)
- Supervisor's name.
- Supervisor's title.

Work/training supervisors are responsible for recording and reporting all work/training time and absences of inmates assigned to their supervision. When an inmate is reassigned, paroled or transferred during the month, a diagonal line shall be drawn through the appropriate dates of unassignment and a notation made indicating the reason (e.g., transferred, paroled, out-to-court, AD-SEG.)

Security of Time Cards and Time Logs

Time cards and timekeeping logs are considered legal documents from which sentence reduction credits for inmates are computed. Time cards and timekeeping logs shall be securely stored. Inmates shall not have access to time cards or logs. Any staff member who reviews, processes, audits, or handles time cards and/or timekeeping logs shall be responsible for their security.

53130.11.1 Completion/Processing of Time Cards

Work/training supervisors shall complete and process time cards on inmates under their supervision using the following symbols and procedures:

- "X" - with the number of hours an inmate is on their assignment; i.e., X-6, X-7 1/2, or X-16.
- "A" - with the number of hours of unauthorized absence.
- "E" - with the number of hours of ETO authorized by the work/training supervisor shall be recorded in two-hour increments. ETO absences for the whole day shall be recorded as eight hours for full-time and four hours for half-time.
- "R" - when the inmate is on regular days off.
- "RX" - with the number of hours worked during the inmate's regular day off.
- "H" - when the inmate is authorized time off for a state holiday.
- "HX" - with the number of hours worked during a state holiday (full-time assignments earn an additional eight hours ETO and half-time assignments earn four additional hours ETO).
- "S" - with the number of hours an inmate is unable to report to work through no fault of the inmate as defined in DOM 53130.9.

Transfer/Parole/Reassigned/Etc.

When an inmate is assigned, reassigned, paroled, or transferred during the month, a diagonal line shall be drawn through the appropriate dates of unassignment and a notation made indicating the reasons (e.g., transferred, paroled, OTC, AD-SEG). Completed inmate time cards shall be forwarded immediately to the records office for processing.

Additional Entries

The following information shall also be recorded by work/training supervisors on all inmate time cards:

- Institution/facility.
- Month and year for which the time is being recorded.
- Inmate's CDC identification number.
- Inmate's full name (first, last, and middle initial).
- Circle nature of assignment (e.g., full day, academic, etc.).
- Position/assignment number of the inmate.
- Pay, rate (e.g., $27.50 per month or .25 cents per hour).
- The total days worked (counting all X, R, RX, E, H, HX, and S).
- The total hours worked (counting only Xs).
- The total amount of ETO used (two-hour increments).

Forwarding Time Cards

Upon completion of the work month, reassignment, or transfer, the work/training supervisor shall immediately forward the completed time card to the section head for signature and transmittal to the records office. If a time card is received in the records office after the C-File of an inmate has been forwarded, it shall be mailed first class to the receiving institution for inclusion in the inmate's C-File.

- All documents pertaining to the timekeeping process for inmates who are scheduled to leave the institution shall be submitted to the records office staff prior to transfer/parole. The time credits shall be accurately computed, entered into the computer, and the information placed in the C-File prior to the inmate's departure.

Prerelease 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.

Work/training supervisors shall review the DMS for inmates who have been assigned to their supervision. They shall complete the time card for parole/discharge inmates by awarding "S" time for the 10 working days prior to scheduled release. All timekeeping documents shall be submitted to the appropriate records office the following working day after notification of prerelease status.

Transfer Notification

A list of transfers scheduled for the following week shall be issued by the records office staff. Managers and supervisors shall ensure that the timekeeping documents for those inmates being transferred are submitted 3 working days prior to the inmate's departure. If notification of transfer is received in less than 3 days, the time card shall be submitted immediately. Inmates being transferred shall be awarded "S" time for the 3 working days prior to departure.

53130.11.2 AD-SEG Placement/Timekeeping Process

Revised July 28, 1992

The term "AD-SEG" shall be used on the DMS to identify inmates placed on lockup status.

Work/training supervisors shall review the DMS daily to determine if any of their assigned inmates have been placed on lockup status. If so, the following processes shall occur:

- The work supervisor shall draw a diagonal line through the appropriate date on the inmate time card writing "AD-SEG" on the line. The time card shall be signed by the supervisor, audited by the section head, and turned over to the records office immediately. In the event that the inmate is released from lockup and returned to the assignment, the supervisor shall begin a new time card.
- A classification committee shall evaluate the reasons for placement in AD-SEG to ensure that appropriate work-timecredits are awarded the inmate. If the placement was due to a disciplinary action which resulted in a finding of not guilty or due to an investigation which resulted in the inmate's release, the classification committee shall prepare a CDC 128-G stating the facts of the case and shall grant "S" time credits for that period based on the inmate's work/training group. Inmates in work/training group "C" at the time of placement in AD-SEG shall be returned to that status upon release from the unit. The CDC Form l28-G shall reflect no credit earning while in AD-SEG. This CDC Form 128-G shall account for time credits from date of lockup to date of release inclusive.
- If the placement in lockup was due to a disciplinary action which resulted in a finding of guilty or due to an investigation which resulted in classification committee action which changed the inmate's custody classification, work/training assignment, or facility placement, the classification committee shall classify the inmate's work-time, credit-earning status to D-1 from the date of lockup to date of classification action.

53130.12 Transfers

The work/training group and credit-earning status of inmates being transferred shall be governed and processed by the following criteria:

Nonadverse Transfer

Inmates shall not be placed in a lower work/training group as a result of a non-adverse transfer, including intra-facility. A non-adverse transfer is defined as any transfer to a less restrictive facility or program; e.g., from Level III to Level II due to a lowering of an inmate's classification score; to the same level of facility due to overcrowding, special skills, or special program assignments.

Inmates in vocational/training programs at the sending facilities shall be placed in like programs at the receiving facilities unless such programs are full. If the receiving facility's program is full, such inmates shall be placed at the top of any existing waiting list. Inmates on waiting lists at the sending facilities shall be merged into the receiving facility's waiting lists based on the length of time they have already spent on the sending facilities waiting list. All waiting lists are to be kept in accordance with time on waiting list, time in trade, or work assignment.

The receiving facility/initial classification committee shall administratively grant appropriate credit for the period of program interruption.

Adverse Transfers

Inmates in a work/training group A-1 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 and placed in a full-time work/training assignment. 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 a 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 53010.10.2.2 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.

53130.13 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:
  - Refusal to participate.
  - 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.

53130.13.1 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.

53130.13.2 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.

53130.13.3 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 90 days of the anticipated release date when 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.

53130.13.4 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.

53130.14 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.

53130.15 Revisions

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

53130.16 References

PC §§ 2080, 2600, 2601, 2700, 2701, 2930 - 2934, 3057, 5005, 5045, and 5058.

W&I § 305l.

CCR (15) §§: 3040 - 3045.l, 3310 - 3329, 3375 - 3379.

ACA Standards 2-4115 - 2-4126, 2-4323 - 2-4495.

ARTICLE 40 — JOINT VENTURE

Effective October 6, 1993

53140.1 Policy

The Director of the Department shall establish JVPs within State prison facilities to allow joint venture employers 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.

53140.2 Purpose

This procedure establishes guidelines for the uniform interpretation, application, and administration of the JVP.

53140.3 Responsibility

Headquarters

The Assistant Director of the JVP Unit (JVPU) is responsible for ensuring the Department's compliance with the mandates and intent of the Prison Inmate Labor Initiative of 1990. This shall be accomplished by coordinating and monitoring all non-educational inmate work assignments within the Department, and negotiating contracts with fiscally sound and ethically managed entities who will participate in JVPs to employ inmates.

The Assistant Director, JVPU, shall ensure that the Joint Venture Coordinator at each facility is provided instructions and materials for establishing the inmate-employee account. The disbursement information shall be maintained at the facility and at headquarters.

Warden/Deputy Director, Parole & Community Services Division / Joint Venture Coordinator

Each Warden, the Deputy Director P&CSD, and/or the Joint Venture Coordinator are responsible for implementation of appropriate Joint Venture projects. This shall include participation in the processes of the contract development, problem identification/resolution, and ongoing operational management. In addition, they are responsible for providing a stable, readily available and properly screened inmate workforce, as well as appropriate administrative and security support to facilitate the success of the project.

PIA

The PIA has responsibility for cooperating with the Warden of each facility to ensure that there is no conflict between the PIA operation and the proposed Joint Venture project. In addition, the PIA Board has developed a method of providing an ongoing list of available equipment for purchase or lease to perspective JVP businesses.

P&CSD

The P&CSD is responsible for informing and coordinating with the Parole Units in the field the parole of a JVP inmate. The Parole Agent in the field is responsible for coordinating the introduction to the Employment Development Department (EDD) representative located in their unit. P&CSD shall advise the JVPU if an EDD representative is not available at a specific office.

Community Correctional Center/Facility

Any Community Correctional Center/Facility which wishes to employ an inmate in a Joint Venture project is responsible for coordinating with the P&CSD to ensure that the intent of the law is met and that there is not a conflict with existing JVP operations or PIA operations.

53140.4 Definitions

The purpose of this section is to provide clarification and definition of requirements and terms regarding Joint Venture projects.

JVP

For the purpose of this section, JVP means a contract entered into between the Director and any public entity, nonprofit or for profit entity, organization, or business for the purpose of employing inmate labor.

JVP Employer

Any public entity, nonprofit or for profit entity, organization, or business which contracts with the CDC for the purpose of employing inmate labor.

JVP Inmate- Employee

Any inmate who is hired by a Joint Venture employer.

53140.5 The Prison Inmate Labor Initiative of 1990

The Prison Inmate Labor Initiative of 1990, also known as the JVP, 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.

53140.5.1 Selection of Victim Restitution Organizations

Each Warden/RPA and the Joint Venture business shall coordinate efforts to select a suitable victim restitution organization with the following criteria:

- Program/organization which provides direct victim services (e.g., rape crises, domestic violence, victim/witness, child abuse, etc.) and has been established in either the public or private sector. When authorizing funds to be donated in these areas, specify that they are to be used for direct services to crime victims (i.e., emergency funds for immediate victim needs, counseling, relocation costs, temporary needs like immediate or crime-related day care fees, etc.) and not to pay for overhead/operating costs of an agency or program.
- Recycle some of the money back into the facility to pay for materials used in projects such as dolls that are made by inmates and donated to local law enforcement to use "at the crime scene" where children are present. They will help the children have something to hold that will go with them throughout

their experience in our processes. It will also give inmates something to talk about in the victim services aspect of being an offender as well as a victim. Again, crime victims are the buzz words.

- Recycle some of the money back into the facility to pay for materials used by inmates with art projects who in turn would donate their artwork to children's centers, hospitals, domestic violence and child abuse centers, etc. This will work for paintings, furniture making, toys for kids, etc.

53140.6 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 Director 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 Director of CDC (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.

The initial terms of the members appointed by the Governor shall be for one year (one member), two years (two members), three years (one member), and four years (one member), as determined by the Governor. After the initial term, all members shall serve for four years.

Purposes and Duties

The duties of the Board are to advise/assist the Director on polices 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 Joint Venture projects in the businesses that may be interested in establishing a project.
- Advise/assist CDC 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. These strategies shall include, but are not limited to, the following:
  - Business community speaker bureaus.
  - Program publicity and community awareness projects.
  - Presentations at business round tables and industry trade groups.
- Provide advocacy for program expansion and resources.
- Provide input and react to proposed policy and program changes.
- Provide ongoing assessment of program effectiveness.

53140.7 Notice of Certification

Under Public Law 98-473, Part H, Section 819, the YACA, Free Venture, and CDC are required to ensure that businesses which enter into an agreement with the Department be certified as having met all statutory and program guideline requirements, may contract with agencies of the Federal Government pursuant to 41 USC 35 (d), and may engage in the interstate commerce pursuant to 18 USC 1761 (c) for the sale of prisoner-made goods.

This certification shall remain in effect until cancelled, through written notice, by CDC, or if it is found that the JVP is not being conducted in conformity with the requirements of the Justice Assistance Act of 1984, the certification is subject to revocation after written notice and opportunity for a hearing.

53140.8 Criteria for Placement in the JVP (JVP)

The facility shall establish participation criteria. These criteria shall address custody level, excluded commitment offenses, previous work history with the facility, disciplinary record and educational level. Inmates with an "Immigration Hold" shall not be permitted to participate as stipulated under federal guidelines. Once selected, the JVP inmate-employee shall sign an Inmate Agreement and complete an IRS Form W-9, Request for Taxpayer Identification Number and Certification.

53140.8.1 Social Security Number

JVP inmate-employees shall have a verified social security number.

53140.8.2 Dress and Grooming Standards

JVP inmate-employees shall follow all grooming restrictions outlined in the contract agreement. In addition, JVP inmate-employees shall have clean, pressed clothes and good personal hygiene.

53140.9 Compensation of Inmate Workers

Inmates participating in a Joint Venture project shall be paid wages comparable to wages paid by the Joint Venture employer to non-inmate employees performing similar work for that employer. The actual rate of pay shall be determined by EDD. If the Joint Venture employer does not employ non-inmate employees in similar work, the rate of salary shall be comparable to wages paid for such work of a similar nature in the locality in which the work is to be performed.

53140.10 Sale of Inmate Goods or Services to the Public

Services performed and articles manufactured by JVP inmate-employees may be sold to the public. PC 2812, which restricts the sale of inmate provided services or inmate-manufactured goods, is not applicable to the JVP.

53140.11 Strikes By JVP Inmate-Employees

JVP inmate employees are not permitted to strike or be utilized as strike breakers.

53140.12 Procedures for Terminating an Inmate Who is Participating in the JVP

The JVP project shall operate in a similar fashion as conducted outside of the prison. Consequently, should the Joint Venture employer wish to terminate an inmate for administrative reasons, the following procedures shall be followed:

- The employer shall inform the inmate-employee and Joint Venture Coordinator at the facility.
- Facility staff shall inform the JVPU at headquarters and provide the necessary paperwork. The inmate-employee shall suffer no adverse effect unless the inmate has violated sections of the CCR. If so, then a CDC Form 115, Rules Violation Report, shall be completed by the JVP employer.
- JVPU staff shall inform the financial service and close the inmate-employee's savings account. All of the inmate-employee's money shall be placed into the inmate trust account on "hold" until the inmate paroles or discharges.

53140.13 Lease Agreements

The Director of the DGS with the consent of the CDC 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 20 years for the purpose of conducting a JVP. The lease may provide for renewing the lease for additional successive 10-year terms but those additional terms shall not exceed three in number. 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.

53140.14 IST

The Warden, Deputy Director P&CSD, or Joint Venture Coordinator at the facility shall determine the type and amount of IST to be provided to the JVP employer prior to occupying the facility.

53140.15 Personal Protective Equipment

The Joint Venture employer shall be required to be in possession of a whistle whenever they are on facility property. A personal alarm device shall be provided to a Joint Venture employer if it would be provided to CDC employees working in similar conditions.

53140.16 Incident Investigation

Any unusual occurrences or incidents that occur in the Joint Venture worksite shall be investigated by facility staff. The investigation shall be conducted in compliance with all departmental rules, regulations, and expectations.

53140.17 Contractor Evaluation

In the event termination of an operation occurs, the Joint Venture Coordinator at the facility and JVP headquarters' staff shall conduct an evaluation of factors for the success/failure of the project. This evaluation shall include an assessment of the contractor's performance, problems associated with the operation, and recommendations as to how to avoid problems in future Joint Venture projects.

53140.18 Contract Termination

Termination of a Joint Venture contract shall be completed in compliance with State contract regulations. See DOM 22040 for further details.

53140.19 Revisions

It is the responsibility of the Assistant Director, JVPU, or designee to ensure that the contents of this section are kept current and accurate.

53140.20 References

PC § 2717.1 - 2717.6 and 2812.

GC § 14672.16(a).

LC §§ 2926 and 2927.

R&TC §§ 7 - 10.

Proposition 139.

Public Law 98-473.

Justice Assistance Act of 1984.

18 USC 1761(c).

41 USC 35(d).

DOM § 22040.

ARTICLE 41 — MAIL*

Effective January 3, 1990

Not Cleared For Statewide Use

54010.1 Policy

The Department encourages correspondence between inmates and persons outside correctional facilities. The sending and receiving of mail by inmates shall be uninhibited except as provided for in this section. The privacy of inmate correspondence shall not be invaded except as necessary to prevent physical injury to persons and maintain the security of correctional facilities and the community.

54010.2 Purpose

The purpose of this section is to provide an orderly processing of inmate mail and to give direction to staff, inmates, and their correspondents concerning facility mail requirements.

54010.3 Compliance

Correspondents are personally responsible for the contents of their mail. Violations of law, CCR or of procedures contained in this section may be referred to the appropriate federal, state, or local authorities for proper disposition. Such violations may also result in the temporary suspension or the denial of correspondence between the involved parties. Each newly arrived inmate shall be promptly informed of all Department regulations and procedures governing inmate mail.

Departmental employees, inmates, and persons corresponding with inmates must comply with this section. Failure to do so may result in legal or administrative measures against the person or persons involved.

54010.4 Correspondents

Except as set forth in DOM 54010.6 and 54010.14, there shall be no limitations placed upon the number or identity of persons with whom an inmate may correspond.

54010.5 Paper, Envelopes, and Stamps for Indigent Inmates

Revised September 26, 1991

Writing paper, envelopes, and the minimum postage required for first class domestic mail for up to five one-ounce letters per week shall be supplied to an indigent inmate, upon the inmate's request. An indigent inmate shall have free and unlimited mail to any court as described in DOM 54010.20.4. Foreign mail requiring postage in excess of the minimum required for first class domestic mail shall be limited to two of the five one-ounce letters. 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 without funds.

- Indigent inmate means one who is without funds at the time the material is submitted for mailing and remains without funds for 30 days after the documents are mailed.

54010.6 Disturbing or Offensive Correspondence

Non-confidential correspondence shall be read by staff as described in DOM 54010.10. Non-confidential correspondence may be disallowed if the text of such correspondence presents danger, or a threat of danger, to any person. Exceptions to disallowing such correspondence may be made under extremely unusual circumstances with prior approval of the Warden. The authority to disallow such correspondence shall not be delegated below the staff level of Captain. Reasons for withholding or delaying of such mail shall be fully documented to include disposition of the mail by a CDC 128-B, General Chrono. The inmate shall receive a copy of the documentation.

Disagreement with the sender's or receiver's apparent moral values, attitudes, veracity, or choice of words shall not be cause for correctional staff to disallow or delay mail. Correctional staff shall not challenge nor confront the sender or receiver with value judgments nor shall value judgments be considered in any action affecting the correspondents except as described below.

If the receiver of any mail, confidential or non-confidential, directs a written complaint to administrative staff of the Department or to 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 disallowing only that which appears to perpetuate the problem, or disallowing all mail to the individual. Complaints and requests for action that would, if approved, restrict an inmate's correspondence, and any action taken in response to such complaints or requests shall be fully documented by a CDC 128-B, General Chrono, in the inmate's C-File. An exception to the prohibition contained in DOM 54010.32 against placing copies of an inmate's personal correspondence in the inmate's C-File may be made under the circumstances described herein.

54010.7 Disapproval of Correspondence

Questionable correspondence shall be referred to staff at not less than Captain level for determination and appropriate action. Correspondence containing any of the following characteristics shall not knowingly be allowed:

- Threatens blackmail or extortion.
- Information which would create a clear and present danger of violence and physical harm to persons in or outside the facilities of the Department.
- Concerns plans to escape or assist in an escape.
- Concerns plots or plans to disrupt the order of facilities or to breach the security of facilities.
- Concerns plans for activities in violation of the law, or of rules and regulations of the Director or of approved procedures.
- Contains coded messages.
- Describes the making of any weapon, explosive, poison, or destructive device.

54010.8 Appeals Relating to Mail and Correspondence

Inmates and their correspondents may appeal departmental rules, regulations, policies, and the application of it, relating to mail and correspondence.

Inmates shall use established appeal procedures as provided in the DOM 54100.

Persons other than inmates should address any appeal relating to Department policy and regulations to the Director. Appeals relating to facility practices should be addressed in writing to the Warden or RPA of the facility where the appealed action occurred.

54010.9 Non-English Language Mail

Correspondence in language other than English to or from an inmate is subject to regulations governing all other non-confidential and confidential mail except as follows:

- 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. 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 Reading of Mail

All non-confidential inmate mail, incoming or outgoing, is subject to being read by designated staff. This reading of mail shall be for cause only. Cause may include, but is not limited to, the belief by staff that the mail poses a danger to a person(s), the public, or seriously threatens the security of the facility.

54010.11 Inspection of Incoming Packages/Mail

All packages addressed to an inmate shall be opened in the presence of the inmate. Inspection of the contents of the package is to verify and record the receipt of authorized personal property and to prevent the introduction of material, substances, or property that the inmate is not authorized to possess within the facility.

- The number of allowable packages for an inmate per year is determined by the inmate's work/training group.
- Each package may not exceed 30 pounds. Package size shall not exceed the maximum capacity of the equipment used to search packages in the mail room. (Maximum package size may differ at each facility depending upon the equipment at that facility.) The maximum dimensional size acceptable shall be included in a supplement to this manual section.
- Packages that exceed the maximum allowable size and/or weight shall be returned unopened to the sender at the inmate's expense.
- Packages shall be x-rayed when appropriate.
- Packages shall be transported to the designated package distribution area to be processed and issued.

54010.12 Inspection of Outgoing Packages/Mail

All outgoing mail and packages shall be searched for contraband prior to being sealed and mailed, in accordance with DOM 54010.6.

54010.13 Funds Enclosed in Correspondence

Revised August 13, 1992

Funds may be mailed to an inmate in the form of:

- Money order.
- Certified check.
- Personal check.

The check or money order shall be made payable to CDC. The inmate's last name and departmental identification number shall be placed on the upper right hand corner of the legal tender.

The following restrictions apply:

- Currency shall not be accepted for an inmate. If received in the mail, cash shall be turned over to the accounting cashier and placed in an "uncleared collections account." A refund check shall be issued to return the funds to the sender.
- Funds from other inmates/ex-inmates shall be from approved correspondents.
- Funds from families of other inmates shall not be accepted unless the other inmates are members of the same family.

Funds received in the mail shall be removed from the envelope by mail room staff and processed as follows:

- Staff shall ensure that the recipient's name and identification number are on the upper right-hand corner of the check or money order. The facility endorsement stamp shall be placed on the back of the check or money order.
- The face of the envelope shall be imprinted with a rubber stamp that reads, "money enclosed." The date, amount, and the initials of the person processing the remittance shall be recorded on the envelope before it is forwarded to the inmate.
    - The stamped envelope is the inmate's receipt for the funds.
- Mail room staff shall arrange the day's remittances in numerical order using the inmate's departmental identification number.
- Remittances shall be listed in sequence on the report of collections. This report shall include each recipient's name, identification number, type of payment (check, money order), amount, and the total received.
- The report shall be prepared in triplicate and distributed as follows:
    - Original to mail room, receipted by the accounting cashier.
    - Duplicate to the accounting cashier with the collections.
    - Triplicate to the trust office.

54010.13.1 Receipt of Social Security/Welfare Checks

Generally, inmates are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration or welfare checks from DSS/county welfare agencies.

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 and/or welfare checks to the accounting office. The accounting officer shall notify the facility representative that checks are being held pending determination of eligibility.

Unauthorized checks shall be returned to the appropriate agency.

54010.13.2 Receipt of U.S. Government Checks for Discharged or Deceased Inmates

When a U.S. Government check is received for an inmate who is no longer at the facility, the following shall occur:

- If the inmate is deceased or discharged, the check and envelope shall be returned to the sending agency with the necessary information shown.

54010.13.3 Receipt of U.S. Government Checks for Transferred or Paroled Inmates

If an inmate has been transferred to another facility, the check shall be forwarded including a note requesting the inmate to notify the federal agency of their change of address. Mail received for inmates who have been paroled, including any containing funds, shall be forwarded to the office of the parole region to which the inmate was released.

54010.13.4 Personal Checks

Funds not in the form of money orders or certified checks shall not be released for spending by the inmate until the funds have cleared the bank upon which they were drawn. When personal checks are received, the face of the envelope in which the check was received shall be imprinted with a rubber stamp that reads, "$_____ personal check has been accepted at this time. Please inform those who send you money that future remittances should be in the form of a money order or certified check."

54010.13.5 Foreign Currency

No foreign currency shall be accepted. If foreign currency is received, the envelope and its entire contents shall be returned to the sender.

54010.14 Correspondence Between Inmates, Parolees and Probationers

Revised August 13, 1992

Inmates shall obtain written authorization from the Warden/RPA or their designee at a level not less than Captain or PA-II to correspond with any of the following:

- Inmate under the jurisdiction of any adult or juvenile correctional agency.
- Person on parole or outpatient status under the jurisdiction of any adult or juvenile correctional agency.
- Person on probation.
- Person discharged within the last 12 months from a correctional facility.

Inmates may initiate requests to correspond with the above by contacting their Correctional Counselor. Parolees may initiate requests by contacting their Parole Agent.

The counselor/Parole Agent shall interview the requestor/parolee and/or review their file to obtain the information required to complete the CDC Form 1074, Request for Correspondence Approval. The counselor/Parole Agent shall determine if the request meets requirements for approval, recommend approval or denial, sign the form, and forward it to the designated person to authorize approval.

The reviewer shall approve or deny the request and sign the CDCForm 1074. If the request is denied, copies shall be distributed as follows:

- One copy to the mail room file.
- One copy to the C-File.
- One copy sent to the facility/parole office.
- One copy sent to the requesting inmate/parolee as notification of denial.

If the request is approved, four copies of the form shall be forwarded to the facility housing the proposed inmate correspondent or the parolee's agent, and one copy of the form shall be retained as a pending copy.

Each counselor/Parole Agent shall ensure that the mailroom and housing unit staff receive a copy of CDC Form 1074 for each approved inmate/parolee correspondent.

The mail room supervisor shall establish and maintain a record of CDC Form 1074s for approval/denial of correspondence relating to this section.

54010.14.1 Transfers

Approval to correspond, pursuant to DOM 54010.14, shall remain in effect upon transfer to another departmental facility or another parole office.

If an inmate's transfer is based on changes in case factors, such as an increase in custody level, a reexamination of all approved correspondents shall occur.

The initial classification committee shall notify the mailroom and housing unit staff of any changes in approved correspondence. Upon a parolee's transfer, the agent of record shall notify the appropriate staff.

54010.15 Unapproved Correspondence

If a facility 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 inmate/parolee. If it is returned to a facility, the facility shall handle the returned item in accordance with DOM 54010.29.

54010.16 Photographs

Inmates may receive by mail photographs without attached backings. The following list of items cannot be received:

- Photographs framed in such a manner that they cannot be adequately searched.
- Polaroid photographs.
- Negatives.
- Slides.
- Photo albums (available through canteen).

Any unacceptable mail shall be immediately returned to sender showing stamped on the envelope, "Unauthorized Mail, Return To Sender."

Polaroid photographs taken inside the facility through authorized programs shall be permitted.

There is no limit on the number of photographs an inmate may receive at any one time, except the limit that applies to the total amount of personal property.

54010.17 Contests

Inmates shall not participate in any contest advertised or sponsored by the media when a financial obligation is involved or when such participation shall result in an expense to the facility beyond cost of processing mail.

If lottery tickets, etc., are discovered in incoming inmate mail, the entire envelope and contents shall be returned to sender with a preprinted notice to the sender which states:

"Inmates are not permitted to receive or possess any instrument used
in a game of chance (i.e. state lottery tickets, sweepstakes tickets,
etc.). Please remove the unauthorized item(s) from this envelope and
feel free to send the letter to the addressee.
Thank you for your cooperation.

Mail Room Staff
(Facility)"

54010.18 Publications

Inmates may subscribe to:

- Newspapers.
- Periodicals.
- Books (directly from the publisher or vendor).
- Legal materials.

Exclusions

Publications received through the USPS may be excluded when containing the following subject matter:

- Describing the making of:
  - Weapons.
  - Explosives.
  - Poison.
  - Destructive devices.
- Portraying or describing a sexual assault upon a correctional employee (by discretion of The Director).
- Unsolicited advertisements, brochures, fliers or catalogs.

Wardens may approve inmates receiving new and used books and periodicals from sources other than the publisher or vendor. Approved publications received from correspondents, donors, etc., shall be very closely inspected and shall be excluded only for the reasons described in DOM 54010.6.

54010.19 Inmate Manuscripts

Manuscripts include 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.

If unauthorized state materials have been used in the creation of a manuscript, the item may be impounded pending disciplinary action and reimbursement by the inmate for any unauthorized state material used.

Incoming and outgoing manuscripts shall be processed as regular mail in accordance with the provisions of this manual section.

54010.20 Confidential Correspondence

Inmates may correspond confidentially with the persons or the staff members of the persons listed in DOM 54010.20.1 of this manual. Confidential correspondence is defined as correspondence that shall not be read by any employee except as prescribed in DOM 54010.20.2.

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 54010.20.1 is an abuse of this right and such proven abuse shall be subject to disciplinary action.

54010.20.1 Persons With Whom Inmates May Correspond Confidentially

Persons and staff members of persons with whom inmates may correspond confidentially 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.
- All state and federal judges and courts.
- Any attorney at law listed with a state bar association.
- A representative of the public news media defined as a full-time reporter for a daily newspaper, daily radio or television programs, and recognized general coverage news magazines.
- The Director, Chief Deputy Director, Deputy Directors, AssistantDirectors, Executive Assistant to the Director, and the Chief, Inmate Appeals, of the Department.

54010.20.2 Processing of 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 DOM 54010.20.1.
- The inmate's full name 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 mail room without this notice of confidentiality shall be processed as regular mail. If for any reason the mail cannot be processed as regular mail, it shall be returned to the sending inmate.
- The inmate wishing to post confidential mail shall do so 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. If no prohibited material is discovered, the contents shall be returned to the envelope and in the presence of staff, sealed by the inmate. Staff shall sign the back of the envelope and deposit the confidential mail in the appropriate depository.

- Inmates shall provide sufficient postage, or a fully completed CDC Form 193, Trust Withdrawal, attached to the outside of the document.
- Staff shall sign the back of the envelope and deposit the confidential mail in the appropriate depository.
- It is the responsibility of the first watch housing unit staff to transport inmate mail to the appropriate depository as designated by the Warden.
- If prohibited material is found in the confidential mail, the contents, including the letter, may be confiscated or the letter returned to the inmate. If the prohibited material indicates a violation of the law or an intent to violate the law, the matter may be referred to the appropriate criminal authorities for possible prosecution. Administrative disciplinary action shall also be taken.

54010.20.3 Mailing of Legal Documents

Legal mail submitted with a trust withdrawal to pay for filing fees or other costs may be left unsealed so that the voucher (check) can be enclosed after the trust withdrawal has been processed. Inmates who do not wish to forward this type of mail unsealed should attach a stamped, addressed envelope to the legal mail so the check can be enclosed and forwarded in the extra envelope.

Notarization of legal documents is not normally required by the courts and shall not be provided as a free service to any inmate. Inmates shall pay the established notary fee for such service.

54010.20.4 Postage for Indigent Inmates for Correspondence to the Courts and Other Persons as Required

Revised August 13, 1992

Postage shall be provided to indigent inmates as defined below for correspondence to the courts or the parties and other persons required to be served in litigation per applicable court rules. These parties may include the AG's Office, the inmate's attorney(s), persons named as a defendant in the law suit, and the Director's Office.

- For the purposes of mailing correspondence to the courts or other parties to the litigation, indigent inmate means one who is without funds at the time the material is submitted for mailing and remains without funds for 30 days after the documents are mailed.

54010.21 Processing Incoming Confidential Mail

Incoming letters bearing a return address of persons and offices listed in DOM 54010.21.1 shall be processed as confidential correspondence. A notice of or a request for confidentiality is not required. Designated staff shall open the letter in the presence of the addressed inmate at a convenient time and place. Staff shall not read any of the enclosed material. Staff shall remove the pages and shake them to ensure the absence of prohibited material. Items that may be sent from an attorney to an inmate as confidential include all written material within the letter or package. Those items such as newspaper clippings, law review articles, and legal documents, as well as attorneys' letters, are confidential and shall not be read by staff delivering the mail.

Inmates shall sign for all legal mail at the time of delivery. This shall be accomplished by use of a permanent logbook or use of receipts. If receipts are used, the receipts shall be forwarded to the mailroom for filing.

54010.22 Confidential Enclosures

Newspapers, published articles, books, etc., enclosed in confidential correspondence shall be treated as confidential and shall be handled in the following manner:

- When the staff delivering attorney/client confidential mail observes newspapers, books, or any other enclosure in such mail, the inmate shall be informed of available options concerning disposition of the items.

54010.22.1 Examination of Enclosures

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 facility under the standards of PC 2601. The conclusion of the examiner shall be written on the enclosure, and be dated and signed by the examiner. If the enclosure can be safely admitted into the facility, it shall be given to the inmate. If, in the examiner's opinion, the enclosure does not meet the standards of PC 2601 and cannot be safely admitted into the facility, it shall be referred to facility staff at not less than the captain level for final determination. If not released to the inmate at this level, the inmate shall be allowed access to the enclosure as authorized in DOM 54010.22.2.

54010.22.2 Inmate Declines Consent for Examination of Confidential Disclosures

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 a separate envelope and the envelope shall be sealed in the presence of the inmate. The outside of the envelope shall be annotated with the inmate's name and identification number, a notice that the content consists of unexamined confidential correspondence, the date the correspondence was received, and the name and address of the sender. The envelope shall then be placed in the inmate's unissued personal property or shall be stored in another place designated by the facility. The inmate shall be allowed the maximum possible access to that material for review and examination in a place or manner that shall prevent the material from being read by other inmates and staff.

54010.22.3 Confidentiality

Any person who examines the content of mail under the authority of this section or in connection with an appeal by an inmate of a ruling under this section shall keep the content of the examined material in strict confidence. No reference shall be made to the contents in any documentation that may be entered in the inmate's C-File.

54010.23 AD-SEG

Inmates assigned to AD-SEG, including special segregated housing, shall not be restricted in their sending and receiving of personal mail. However, incoming packages may be limited in number and content to that property permitted in the segregated unit to which an inmate is assigned.

Inmates confined in AD-SEG for any reason shall not be limited in their access to the courts.

54010.24 DD

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 may be withheld during DD.

Inmates confined in 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.

54010.25 Definition of Classes of Mail

U.S. postal regulations define first class mail as any handwritten or typewritten matter sealed in an envelope that has to be acted upon by the recipient. Second class mail as any daily or weekly publication. Third class mail as any matter that weighs up to a pound and not of a first class nature, e.g., advertising, mass mailings, etc. Fourth class mail as printed matter, e.g., catalogs, brochures, etc.

54010.26 Address

All outgoing mail shall be properly addressed, including the appropriate zip code.

54010.27 Return Address

Outgoing inmate mail shall contain the accurate return address in the upper, left corner of the envelope or package. It shall include the inmate's name, the inmate's departmental identification number, and the address designated by the facility for inmate mail. If the inmate sender's name appears on the outgoing mail, but the return address is incorrect or incomplete, the mail shall be returned to the sender. If the sender's identity cannot be determined by other means, the mail shall be opened and inspected for that purpose.

54010.28 Mail Returned by USPS

All undelivered letters and packages returned to a facility by the USPS 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 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 facility. Upon completion of this examination, the returned correspondence shall be given to the inmate.

54010.29 Undelivered Mail

First class mail addressed to an inmate, any publication, package, or an enclosure in otherwise acceptable first class mail, which is specifically prohibited by the provisions of this section, may be disposed of as provided in DOM 54010.30. There is no need to hold the item of mail pending appeal, but notice shall be given to the inmate as required in DOM 54010.29.1. When the withholding of mail is based upon a judgmental or interpretive decision of staff, the mail shall be retained by the facility for not less than 15 days pending actions listed in DOM 54010.29.1 and 54010.29.2.

54010.29.1 Withholding Mail

When a decision has been made to disallow mail, a CDC 128-B, General Chrono, shall be completed. It shall include the following information:

- The disposition or proposed disposition of the mail.
- The name of the staff person disallowing the mail.
- The staff position to which an appeal may be directed.
- The notice to the inmate, including name and address of the sender, and the disposition or proposed disposition if an appeal is not submitted to the named official within 15 days of the date of the notice.

Distribution of the 128-B shall be as follows:

- Original to C-File.
- Duplicate to inmate.
- Triplicate to mail room file.

A written notification shall be mailed to the sender of the disapproved correspondence. It shall include the reason the correspondence was withheld and the disposition of the mail. The notification shall be signed by staff taking the action.

54010.29.2 Appeals of Withheld Mail

An inmate's submittal of an appeal within 15 days of a notice that mail is being withheld pending appeal shall stay any disposition of the mail until an appeal decision is made at the second level of appeal review.

If the inmate's appeal is denied at the second level of appeal review, the item of mail shall be disposed of as provided in DOM 54010.30. Depending upon the disposition made of the mail, the inmate or sender may refer their appeal to the Director.

54010.30 Disposition of Undelivered Mail

Incoming mail disallowed by mail room staff or administrative staff under the provisions of this section, or disallowed pursuant to an appeal, shall be disposed of in the following manner:

- Returned to sender.
- Mailed at the inmate's or the facility's expense as provided in DR 3134, Indigent Inmates, to an outside correspondent designated by the inmate.
- Placed in the inmate's unissued personal property.
- With the inmate's written consent, destroyed or donated to a charitable organization outside the facility.

54010.31 Unmailed Correspondence

If for any reason set forth in this article, any first or second 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 items. The notice shall include the disposition of such mail. Unless retention of such mail is required in legal or disciplinary proceedings against the inmate, it shall be promptly mailed or returned to the inmate.

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.
- By exception, an inmate requests that a copy of personal correspondence be placed in their C-File and the inmate's case worker deems it appropriate to do so.
- When the receiver of disturbing or offensive mail has returned an inmate's letter(s) to the facility and is requesting administrative action as spoken to in CCR 3135.

54010.32 Forwarding Mail

Mail received for an inmate who has been transferred from the facility where the mail is received, shall be immediately forwarded to the facility, administrative office or agency to whom the inmate's custody has been relinquished, except as otherwise stated in this section.

5401033 Temporary Absence

Mail shall be held for an inmate who is temporarily away from the facility when the inmate's return is anticipated within one week.

54010.34 Address Unknown

Mail addressed to an inmate who has been transferred or released shall not be returned to the sender as "Addressee Unknown" unless the individual has been discharged from Department jurisdiction.

54010.35 Revisions

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

54010.36 References

PC § 2601.

CCR (15) §§ 3165 and 3174(a).

ACA Standards 2-4369, 2-4370, 2-4371, 2-4372, 2-4373, 2-4374, 2-4375, 2-4376, 2-4377, 2-4378, 2-4334, and 2-4226.

ARTICLE 42 — VISITING*

Revised May 1, 2003

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.

Except 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

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.
- 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.

54020.4 Access to Visiting Policies and Regulations

New inmate arrivals shall receive current written local visiting 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.

54020.5 Dignitaries

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.

Refer to DOM Chapter 1, Article 14 for definitions and instructions related to tours and visits by official visitors and dignitaries.

54020.6 Official Visits by Other Departments/Agencies/Foreign Officials and Other Distinguished Visitors

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.

- 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.

54020.7 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.

54020.8 Visitor Application Procedure

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 CDC Form 106, Visiting Questionnaire. In order to retain the status of approved visitor, the CDC Form 106 shall be updated whenever there is a change in the visitor's address, telephone number, or arrest history or periodically upon request. Visitors who have no changes to their personal or arrest history may annotate such by resigning and dating the existing CDC Form 106. 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 CDC 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 CDC 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 CDC Form 106 shall be processed as follows:

- The inmate is responsible for mailing CDC 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 CDC 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 proved 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 CDC Form 106 is received and processed at the institution/facility, the inmate shall receive a CDC |Form 887, Notice of Visitor's 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

The authority to approve or disapprove a CDC 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

Upon receipt of the CDC Form 106 an arrest history inquiry shall be completed and a determination to approve or deny visiting should be made within 30 working days at a minimum, a Criminal Identification and Information (CI&I) report shall be obtained if the California Law Enforcement Telecommunication System lists a CI&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 CDC Form 887, 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

Reconsideration of disapproval shall occur at the end of the denial period upon receipt of a new CDC Form 106 subject to the provisions of CCR Section 3172.1.

54020.8.4 Revocation of Approval to Visit

An individual's approval to visit may be revoked when:

- Information that would have resulted in visiting denial 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 **o**r 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

Exceptions to approval requirements for visitors may be made when death, life-threatening illness, or injury occurs to an immediate family member of the inmate.

Family emergency exceptions shall be made only for an inmate's immediate family members 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

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 make a copy of the order, note that the original is certified, and place it in the inmate's visiting file. Verification of the order shall be noted in the automated visitor information system. 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 notarized 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.
- A copy of the notarized consent form or court order shall be retained in the inmate's central file and visiting file.

Revised January 2006

54020.10.1 Visiting Restrictions for Minors

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, 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.
- For inmates convicted of PC Section(s) 269, 273a, 273ab, 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 visitation 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

Upon arrival at the visitor processing area, the visitor shall complete a CDC Form 1000, 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 CDC Form 120, Visiting Record, or automated visiting system.
- Determine visiting status; e.g., non-contact, order for an unclothed body search or other restriction/instructions, and follow any special instructions posted on the automated visiting system.
- Enter the date of the visit on the automated visiting system.
- 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, CDC Form 1000, and wrist stamp.

54020.11.1 Visiting Program Reasonable Accommodation

Disabled inmates and/or visitors shall have effective access to visiting facilities. Mobility and auxiliary aids shall be provided as needed. Disabled inmates or visitors who are approved for visits must notify the visiting supervisor of assistance needs at least 72 hours prior to a visit. Reasonable effort shall be made to provide modifications for the assistance needs of disabled inmates on a case-by-case basis.

54020.11.2 Processing Visitors With Medical Implants, Prosthetic, or Assistive Devices

Visitors with 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.

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 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. A licensed physician, nurse, and/or medical technical assistant of the same sex shall be present to assist with the unclothed body search consistent with the duties of their classification.

Processing Visitors with Wheelchairs or Mobility Assistive Devices

The visitor shall be asked to temporarily transfer from his/her personal wheelchair to an institutional wheelchair while an inspection of the visitor's wheelchair is conducted.

Institution/facility staff are not authorized to physically assist the visitor with the wheelchair transfer.

Hand-held contraband/metal detection devices shall be used to process the visitor during the transfer from his/her personal wheelchair to the designated wheelchair.

If the visitor provides no written verification of impairment and/or need for assistive device and/or refuses to comply with the transfer, the visit shall be denied by the appropriate staff.

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

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 (must include a current unexpired visa issued by the United States Department of State, if applicable).
- 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

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.

The type of search to be conducted shall be based on probable cause.

54020. 13.1 Contraband /Metal Detection Devices

All visitors shall be processed into the security area through a contraband/metal detection device and 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.

A visitor who fails to clear any contraband/metal detection device may be required to submit 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

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.

Visiting staff of the same sex as the visitor shall conduct authorized clothed body searches.

In emergency situations, custody staff of either sex may conduct a clothed body search.

Removal of outer garments, heavy clothing, and possibly shoes may be requested to complete the security search.

Discretion shall be exercised when issuing instructions to persons being searched.

54020.13.3 Unclothed Searches of Visitors

Staff may conduct an unclothed visual body search and use a variety of detection devices to conduct a more intensive security search of the visitor's person when the visitor fails to clear any contraband/metal detection device, or information is obtained that a visitor is in possession of contraband as described in DOM Chapter 5, Article 20.

Unclothed searches are especially appropriate when clothed searches prove inconclusive and the presence of contraband remains a reasonable suspicion.

Unclothed body searches shall be accomplished in accordance with the following provisions and recorded on a CDC Form 888, Notice of Request to Search.

Visiting staff of the same sex as the visitor shall conduct authorized unclothed body searches. The search shall be conducted in a private setting, in a dignified manner, and by at least two staff members.

Consistent with their duties or classification, a licensed physician, nurse, and/or medical technical assistant of the same gender shall be present to observe and assist in searches when an unclothed body search is required of visitors having a medical implant, prosthetic device, wheelchair, or assistive device(s).

Discretion shall be exercised when issuing instructions to persons being searched.

If staff identifies what appears to be contraband in a body cavity and the visitor refuses to remove the suspected contraband from the body cavity, the visitor shall be detained and referred to the local law enforcement agency.

When probable cause exists that a visitor has concealed contraband in a body cavity; local law enforcement shall be summoned. CDCR staff shall not perform any body cavity searches of visitors.

A copy of the CDC Form 888 excluding confidential information shall be given to the visitor.

54020.14 Visitor Consent for Search

When a clothed or unclothed body search of a visitor is authorized and/or necessary due to the failure to clear any contraband/metal detection device, the visitor shall be verbally informed of the reason(s) for the search and the name of the official ordering the search. Before the search is conducted, the visitor shall provide written consent by signing a CDC Form 888.

A CDC Form 888 shall be completed for each person searched, including minors. The parents or legal guardian of the minor shall be required to consent to the search of minor children by signing the CDC Form 888.

A copy of the CDC Form 888 and all information relied upon for ordering the search shall be sent to the institution head or designee immediately following the search.

Within 24 hours, a detailed written report shall be submitted to the institution head and shall include the following information:

- The reason for the clothed or unclothed search of the visitor's person or exceptional search of property or vehicle.
- The visitor's response.
- The results of the search.

On weekends and holidays, this report shall be submitted to the institution head on the first working day following the search.

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.

The report shall be personally delivered to the correctional custody captain or designated staff for approval to conduct an unclothed body search of the designated person.

A written report documenting the reason for any exceptional probable cause search of a visitor's person, property, or vehicle shall be submitted to the institution head or designee by the official in charge of visiting no later than the first working day following the incident. This report will also include any visitor's response and the results of the search.

A copy of the CDC Form 887-B, Notice of Visitor Warning/Termination/Suspension/Denial/Revocation, with all confidential information redacted shall be given to the inmate whom the person visited or intended to visit, and to the prospective visitor(s). Additionally a copy will be placed in the appropriate section of the inmate's central file.

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.

If personal contact is necessary to facilitate the search, it shall be performed by the parent or legal guardian at the direction of, and to the satisfaction of, the searching officer. If a minor experiences difficulty in comprehending instructions, the parent or legal guardian shall be utilized to relay instructions.

Simultaneous searches of minors of the opposite sex in the same area is prohibited.

If necessary, visiting staff shall supervise minors while separate searches are conducted.

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.
- Visiting locker key.
- Identification.
- One transparent coin purse, maximum two compartments, maximum size of 6"x 8".
- Thirty dollars per adult visitor and ten 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.
- Two transparent plastic baby bottles containing pre-mixed formula/milk/juice.
- 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.

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 5" x 7"; no false backs or instant photographs.

During processing, visiting staff shall:

- Inspect and count the items.
- Record the number of items on the visitor's CDC Form 1000.

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 268, Accident Report, shall be completed by visiting staff.

54020.20 Visitor Basic Dress Standards

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 underwires.
- 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 which, in any combination of shades or types of material, resembles state issued inmate clothing (e.g., blue denim or chambray shirt, blue denim pants, reception-center attire).
- Law enforcement, military-type, or camouflage-patterned articles of clothing including rain gear when not legitimately worn by an individual on active duty or in an official capacity.

Clothing that:

- Exposes the breast/chest 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 shear or transparent or excessively tight.
- Attire or accessories displaying obscene/offensive 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 vails, 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 vails, 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

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 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

Inmates may refuse to see a visitor. The refusal shall be documented 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 central file, a copy placed in the visiting 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. The request for removal of the visitor will be retained in the visiting file.

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

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 physical plant 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

In accordance with CCR Section 3170.1(d) the ranking custody officer on duty, or the supervisor in charge of visiting, may temporarily impose non-contact 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 invoked 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 visit.

The reason(s) for the non-contact visiting status or suspension of visiting shall be documented on a CDC Form 128-B 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.

Non-contact visiting may be imposed 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.

54020.23 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 3170.4(e) and 3315.

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, 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.

54020.27 Visiting in CDCR Hospitals and Infirmaries

Authorization from the health care manager and the correctional custody captain or AOD shall be obtained to approve visits for inmates housed in CDCR infirmaries or hospital facilities.

- Visitors shall be immediate family members.
- Visitors shall be supervised by custody 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.
- 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).
- 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 items shall be consumed or disposed of at the conclusion of 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 a CDC Form 887-A.

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 on the Form 887-A 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 form shall include the signature of the official taking the action and advise the visitor of the right to appeal in accordance with CCR Section 3179. An original shall be provided to the visitor at the time of the action or mailed to the visitor's last known address within five working days of the action. Copies shall be placed in the inmate's central and visiting files and forwarded to the institution head.

In all instances of exclusions made in accordance with the provisions of CCR Subsection 3176.3, a written report will be made to the Director via the Deputy Director, Division of Adult Institutions or appropriate Associate Director designee within two working days of the effective date of the order.

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. 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 Section 3176(a)(9) and Article 42, 54029.1.

Upon termination of a visit due to overcrowding, the official taking the action shall prepare a CDC Form 887-A explaining the reason for termination. The visiting supervisor authorizing the action shall sign the notice.

The original report shall be placed in the inmate's central file with copies to the institution head, the inmate's visiting file, 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.

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 Inmate Notification of Attorney Visit

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 CDC Form 887. 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.

- 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 acceptably documented compelling or emergency need for the attorney visit.

Attorneys previously approved to visit at the institution/facility shall request private consultations 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 designees, 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 Depositions

Depositions 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 requesting 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 tape(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.

54020.33.1 Inmate Family Visiting Eligibility

Eligibility for participation in the Family Visiting Program (FVP) is subject to the provisions of CCR Sections 3044 and 3177.

Family visiting shall be restricted as necessary to maintain order, the safety of persons, the security of institution, and required prison activities and operations, pursuant to CCR Section 3170.

54020.33.2 Inmate Applications for Family Visits

Each 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.

If one or more of the above factors are present and the CC-I can not readily make a determination for eligibility, a case 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 and forward a copy of it to the family visiting coordinator. 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 shall be established by the family visiting coordinator. A certified copy of the marriage certificate shall be presented to the coordinator prior to each visit.

"Proxy" marriages are not legal in California. The bride, groom, and officiate must be present at the same place at the same time (Telephone or teleconferencing does not constitute presence).

Family visits shall be scheduled with specified family members. Once an application is submitted, no changes, or substitutions of visitors shall be permitted.

54020.33.3 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 date request.

If all requested dates are filled, the next available date will be determined by the family visiting coordinator and offered to the inmate.

54020.33.4 Notification of Scheduled Family Visiting Dates

A CDC Form 1072, 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.

54020.33.5 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.

54020.33.6 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.

54020.33.7 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.

54020.33.8 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.

54020.33.9 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.

54020.33.10 Family Member Participation

Participation in the FVP is restricted to the inmate's immediate family members.

- A certified copy of the marriage certificate shall be presented to the family visiting coordinator prior to each visit by the inmate's spouse.

54020.33.11 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.

54020.33.12 Standby Family Visits

Standby family visits are not authorized.

54020.33.13 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.

54020.33.14 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 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.
  - 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 Chapter 5, Article 42, 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

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 Chapter 5, Article 42.

54020.35 Transfer of Visiting Records

The inmate's visiting file shall be forwarded in accordance with DOM Chapter 7, Article 3 and Article 5.

54020.36 Revisions

The Director, Division of Adult Institutions, or designee shall ensure that this Article is accurate and current.

Revised January 4, 2006

54020.37 References

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, Second Edition, §§ 4325 and 4384.

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 Section 54030.17, 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.

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

Departmental employees involved in the handling of an inmate's property shall document such involvement on the following CDC forms as appropriate:

CDC Form 104, Property and Cash Receipt-Arrival: A CDC Form 104 shall be completed by Reception Center staff upon receipt of new arrivals. The CDC 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.).

CDC Forms 1083-M and 1083-F, Inmate Property Inventory: A CDC Form 1083-M or 1083-F (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), extradition, property control, etc.), to ensure all property is accounted for and to provide a vehicle for the evaluation of inmate property claims. The CDC
Forms 1083-M and 1083-F are the only acceptable documents 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 CDC Form 1083-F or CDC Form 1083-M 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 CDC Form 1824, Reasonable Modification or Accommodation, 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 inSection 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(f)(1)).

Handicraft Material, restricted to inmates approved to participate in the handicraft program. Handicraft 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 Section 54030.17. 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 Section 54030.17. 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 regular 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 purchased 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 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 thereof. Any issues or disputes regarding the vendor's products are the sole responsibility of the buyer and/or the vendor, and the CDCR is not obligated to mediate or resolve any such disputes.
8. CDCR approved catalog must only present items authorized for purchase by CDCR inmates based upon Privilege Group.
9. Catalog must identify items allowable by Privilege Group as identified in Section 54030.17.
10. Vendor must require customer to select a Privilege Group prior to completion of a purchase. The selection of a Privilege Group shall act to restrict the purchase of merchandise not allowed by the selected Privilege Group. Refer to the APPS located in Section 54030.17 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 posses 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 material(s) 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 this 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

Inmate donation of handicraft items, articles, tools, and materials to the institution is subject to provisions of Section 53080.14. Such articles shall be controlled by the handicraft manager, become the property of the State, and shall be utilized in the same manner as other State owned tools and materials.

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 material. Inmates shall have posted in their cell a CDC 128-B signed by the appropriate instructor indicating the inmate is authorized to possess the listed texts and/or materials. Any course textbooks furnished by the State shall be returned to the Education Department at the end of the course or upon the inmate's transfer or parole. State supplies not returned in serviceable condition will result in the Trust Account Withdrawal form being submitted for the replacement value. The Supervisor of Correctional Education Programs shall be responsible for determination of the replacement value of educational supplies.

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.

NOTE: Inmates housed at 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 Section 54030.17. 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

Appliances may be AC plug-in or may use an AC/DC adapter. Battery operated non-entertainment appliances shall not be counted against the two-appliance limit. Inmates may purchase and use rechargeable batteries with a recharger unit. Recharger units and AC/DC adapters are considered appliance accessories and shall not be counted as a separate appliance. Inmates shall not possess or use a remote control device. Entertainment appliances with internal mechanisms for recording, downloading, or transmitting shall not be allowed. All appliances, including entertainment appliances, shall be portable models. Entertainment appliances with antennas shall be built in. Entertainment appliances shall have earphones or earplugs that shall be worn on the head or in the ear when the appliance is in use within the housing units.

All appliances shall have the inmate's name and number engraved on the back and be sealed by staff. Staff shall make the necessary entries on the inmate's CDC Form 160-H before releasing the property to the inmate. Any inmate who breaks or tampers with the seal may be subject to disciplinary action and confiscation of the item. Inmates that are found guilty of breaking or tampering with the seals of any personal appliance may have the appliance confiscated and disposed of in accordance with Section 54030.12.2.

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".

54030.10.6.2 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. Inmates currently possessing non-clear case appliances shall be allowed to keep those appliances until they are no longer functioning. Non-functioning, non-clear case appliances are considered contraband and shall be disposed of according to Section 54030.12.2.

54030.10.8 Personal Clothing

Inmates shall not be permitted any personal clothing items other than those listed in the APPS Section 54030.17. No advertising, letters, or pictures depicting or reasonably associated with alcohol, gangs, profanity, sex, nudity, weapons, drugs, or drug paraphernalia shall be authorized.

54030.10.9 Religious Items

Personal religious items may be authorized as described in, but not limited to, Section 53050. 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.

Expedited transfer to a designated institution.

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. One 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 Section 54030.17.

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 property inmates 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 CDC Form 1083 indicating their choice of disposition and agreement to the method for disposing of their property. If the inmate makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition. Unauthorized personal property shall be disposed of as follows:

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 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.

54030.13 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.

54030.13.1 Transfers

Upon an inmate's transfer between institutions of the Department, the sending institution shall inventory the inmate's property on a CDC 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 (Section 54030.17).

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 CDC 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.

54030.13.2 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 Section 54030.17.

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. 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.

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.

54030.13.3 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 person 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 CDC Form 1083. A copy of the CDC 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. 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.

54030.14 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 Escapees' 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 CDC 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 CDC Form 127, 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 CDC Form 127 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.

ARTICLE 43 — INMATE PROPERTY MATRIX

Revised –July, 2006

54030.17

MATRIX - AUTHORIZED PERSONAL PROPERTY SCHEDULE

Inmates may request to have items added to the Authorized Personal Property Schedule (APPS) through their Inmate Advisory Council (IAC). All IAC requests are subject to review by local institutional administration.

Institutions may contact a vendor directly to make requests for alternate and additional products within the categories of items listed on the APPS. Such items may be approved by the local administration if they otherwise meet departmental safety and security needs and clear technology requirements of DOM Section 54030. For example, specific brand names of foodstuffs, hygiene/personal care items, etc., that are inferred as permissible by the APPS, but not regularly provided by the approved vendors, may be requested. Vendors are encouraged, but not required, to comply with such requests. Items that vendors are unable to provide may be carried in the institutional canteen.

Requests for new categories of items not currently listed on the APPS shall be reviewed and approved by the Deputy Director, Division of Adult Institutions (DAI). A memorandum thoroughly addressing the rationale for the request shall be presented to the Deputy Director, DAI.

TABLE OF CONTENTS

ITEM DESCRIPTION.....SECTION #

Personal Clothing for All Inmates.....54030.17.1

Personal Clothing for Male Inmates.....54030.17.2

Personal Clothing for Female Inmates.....54030.17.3

Personal Care / Hygiene for All Inmates.....54030.17.4

Additional Personal Care / Hygiene for Female Inmates.....54030.17.5

Food.....54030.17.6

Food for Female Inmates.....54030.17.6.1

Miscellaneous.....54030.17.7

Games.....54030.17.8

Registerable Property.....54030.17.9

- **Registerable Appliances.....54030.17.9.1**
- **Other Registerable Items.....54030.17.9.2**
- **Additional Accessories for Female Inmates.....54030.17.9.3**

NOTE: Individual institutions may receive exemptions to the following authorized personal property items by forwarding a request and justification to the Deputy Director, DAI. All requests must include rationale and supporting data, such as incident reports, physical plant limitations, etc. In the case of a safety/security related request, the requesting institution may immediately implement the requested exemption pending review by the Deputy Director, DAI.

54030.17.1
PERSONAL CLOTHING FOR ALL INMATES

- INMATES ARE ONLY PERMITTED ITEMS OF PERSONAL CLOTHING LISTED IN THIS SCHEDULE UNLESS AUTHORIZED FOR MEDICAL REASONS.
- INMATES ARE PERMITTED TO WEAR SOLID COLORS ONLY UNLESS OTHERWISE INDICATED.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING PERSONAL CLOTHING ITEMS IN ANY SHADE OR TINT OF GREEN, BLACK, BROWN, TAN, RED, OR BLUE UNLESS OTHERWISE INDICATED.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING PERSONAL CLOTHING WITH HOODS, PICTURES, DECORATIVE ZIPPERS, INSIDE POCKETS, OR ZIPPERED POCKETS.
- ALL INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING ITEMS WHICH ARE OBSCENE OR WHICH HAVE LOGOS, LETTERING, PICTURES WHICH ADVERTISE OR DEPICT ALCOHOL, GANGS, PROFANITY, SEX, WEAPONS, DRUGS, OR DRUG PARAPHERNALIA.
- MALE INMATES SHALL NOT RECEIVE OR POSSESS ITEMS OF CLOTHING DESIGNED AND MANUFACTURED SPECIFICALLY FOR WOMEN UNLESS AUTHORIZED FOR MEDICAL REASONS.

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
ATHLETIC SHORTS (white or light gray only, no logos or printing.)	**0**	**0**	**2**	**2**	**2**	**0**	**0**
GLOVES (cold weather gloves upon approval of Warden, no zippers, pockets or metal.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
HATS and CAPS • BASEBALL (white or light gray only, no black.) • WATCH CAPS (no black.) • Additional hats meeting departmental policy requirements may be allowed by local institution discretion. (no stripes, designs, or logos, neutral colors only.)	**0**	**1**	**3**	**3**	**3**	**0**	**0**
HEAD BAND (terry cloth, plain, white, or gray.)	**0**	**0**	**2**	**2**	**2**	**0**	**0**
RAIN COAT (transparent only.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
SHOWER SHOES (foam or soft rubber, single layer, thong type construction, not exceeding 1" in thickness.)	**1 pair**	**1 pair**	**1 pair**	**1 pair**	**1 pair**	**1 pair**	**1 pair**
SLIPPERS / HOUSESHOES.	**0**	**1 pair**	**1 pair**	**1 pair**	**1 pair**	**0**	**0**
SOCKS (white only, any combination of short to knee-high.)	**0**	**7**	**7**	**7**	**7**	**0**	**0**
SWEAT SHIRT (light grey, white, or off-white only.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
SWEAT PANTS (light grey, white, or off-white only.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
TENNIS SHOES (no shades of red or blue, low, mid, or high tops are permitted, must be predominantly white in color, no K-Swiss, Bugle Boys, Joy Walkers, Pumps, Gels, British Knights or Airlifts. Shoe laces, white only, not to exceed $75.00, no hidden compartments, zippers, or laces that are covered or concealed, no metal components including eyelets.)	**0**	**1 pair**	**1 pair**	**1 pair**	**1 pair**	**0**	**0**
UNDERWEAR, THERMAL, OR LONG (grey, white, or off-white only) One pair consists of top and bottom or solid one piece.	**0**	**1 set**	**2 sets**	**2 sets**	**2 sets**	**1 set**	**1 set**
UNDER SHIRTS (white only, any combination of crew neck, v-neck, or sleeveless athletic tank-top.)	**0**	**5**	**5**	**5**	**5**	**0**	**0**
WAVE CAPS (black, white, or grey only.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**

54030.17.2
PERSONAL CLOTHING FOR MALE INMATES

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
ATHLETIC SUPPORTER	**0**	**0**	**2**	**2**	**2**	**0**	**0**
BRIEFS (white only.)	**10**	**10**	**10**	**10**	**10**	**0**	**0**

54030.17.3
PERSONAL CLOTHING FOR FEMALE INMATES

- THE FOLLOWING ITEMS OF FEMALE CLOTHING ARE EXEMPT FROM ESTABLISHED COLOR RESTRICTIONS.

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
BRASSIERES (no metal, lace, pockets, see through, strapless, or push up.)	**5**	**5**	**5**	**5**	**5**	**5**	**5**
PAJAMA / NIGHTGOWN (opaque only, no sheer material.)	**1**	**2**	**2**	**2**	**2**	**2**	**2**
PANTIES (full-cut briefs only, no lace, see through, or pockets.)	**10**	**10**	**10**	**10**	**10**	**10**	**10**
ROBE (single layer, maximum of two large pockets, no metal snaps, no zippers, white, off-white, or light grey only.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
SANDALS (not to exceed $75.00, no hidden compartments, zippers, or laces that are covered or concealed.)	**0**	**1**	**1**	**1**	**1**	**1**	**1**

54030.17.4
PERSONAL CARE / HYGIENE FOR ALL INMATES

- THE FOLLOWING ITEMS APPLY TO BOTH MALE AND FEMALE INMATES.
- UPON AVAILABILITY, ALL COSMETIC ITEMS, INCLUDING HAIR CARE PRODUCTS, DEODORANTS, SOAPS, AND TOOTHPASTE MUST BE TRANSPARENT (BOTH THE SUBSTANCE AND THE CONTAINER MUST BE SEE-THROUGH.) NO ALCOHOL-BASED PRODUCTS AND NO AEROSOL CONTAINERS ALLOWED.
- NO METAL CONTAINERS.
- PRODUCTS CONTAINING PHOSPHATES ARE NOT ALLOWED.
- INSTITUTIONS MAY REQUIRE DISPOSABLE RAZORS TO MEET SAFETY TAMPER PROOF SPECIFICATIONS.

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
BODY POWDERS (baby powder, foot powder, etc.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
COMB (non-metal, maximum of 6" in length, no handle.)	**1**	**1**	**1**	**1**	**1**	**0**	**0**
COSMETIC/SHAVING BAG (not to exceed 6" x 6" x 8".)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
COTTON SWABS	**0**	**100**	**100**	**100**	**100**	**0**	**0**
DENTAL ADHESIVE (for approved denture wearers only.)	**0**	**2**	**2**	**2**	**2**	**0**	**0**
DENTAL FLOSSERS/GLIDERS (no more than 3" in length, amount allowed in possession to be determined by local institutional procedure.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
DENTURE CLEANSER	**0**	**1 box**	**2 boxes**	**2 boxes**	**2 boxes**	**1 box**	**1 box**
DEPILATORYS (hair removers, Magic Shave, etc.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
DEODORANT (stick or roll-on, clear container only.)	**0**	**4**	**4**	**4**	**4**	**2**	**2**
HAIR CONDITIONER	**0**	**1**	**2**	**2**	**2**	**0**	**0**
HAIR OIL / GREASE	**0**	**1**	**2**	**2**	**2**	**0**	**0**
LAUNDRY DETERGENT (powder or liquid.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
LIP BALM (no pigmentation added.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
LOTIONS (includes sun-block and baby oil.)	**0**	**1**	**2**	**2**	**2**	**1**	**1**
MEDICATIONS, OVER-THE-COUNTER (only those medications allowed by current OTC drug distribution policy shall be stocked by institution canteens, **OTC medications are not approved for inmate packages.**)	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
MIRROR (maximum of 6" diameter.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
MOUTHWASH (non-alcohol only.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
NAIL CLIPPER (maximum of 2" length, no file blade.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
PALM BRUSH/COMB (no handle, plastic only.)	**1**	**1**	**1**	**1**	**1**	**1**	**1**
PETROLEUM JELLY	**0**	**1**	**2**	**2**	**2**	**0**	**0**
RAZOR, DISPOSABLE	**0**	**5**	**10**	**10**	**10**	**0**	**0**
SHAMPOO (male inmates only, refer to 54030.17.5 for female information.)	**0**	**1**	**2**	**2**	**2**	**1**	**1**
SHAVING CREAM (non-aerosol.)	**0**	**1**	**2**	**2**	**2**	**1**	**0**
SOAP, BAR	**0**	**4**	**4**	**4**	**4**	**2**	**2**

SOAP DISH (non-metal.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
SOAP, LIQUID	**0**	**1**	**2**	**2**	**2**	**0**	**0**
TOOTHBRUSH (subject to local determination of maximum length, local facility is required to shorten if necessary, to meet local requirements.)	**1**	**2**	**2**	**2**	**2**	**1***	**1***
TOOTHBRUSH HOLDER (plastic only, may only cover head of toothbrush.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
TOOTHPASTE / POWDER (toothpaste must be clear and in clear container.)	**Powder**	**1**	**3**	**3**	**3**	**2**	**2**
WASHCLOTHS (white only.)	**0**	**2**	**3**	**3**	**3**	**0**	**0**

54030.17.5
ADDITIONAL PERSONAL CARE / HYGIENE FOR FEMALE INMATES

- MAKE UP PRODUCTS (FOUNDATION, BLUSH, MASCARA, ETC.) ARE ALLOWED FOR FEMALES ONLY. THEY MUST BE NATURAL SKIN TONES PER CALIFORNIA CODE OF REGULATIONS, SECTION 3062, INMATE GROOMING STANDARDS.

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
BRUSH (non-metal, maximum of 8" in length including handle.)	**1**	**1**	**1**	**1**	**1**	**0**	**0**

54030.17.5

ADDITIONAL PERSONAL CARE / HYGIENE FOR FEMALE INMATES (continued)

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
COMB (non-metal, maximum of 6" in length, no handle.)	**1**	**1**	**1**	**1**	**1**	**0**	**1**
COTTON BALLS	**0**	**100**	**100**	**100**	**100**	**0**	**0**
DOUCHE	**0**	**2**	**4**	**4**	**4**	**0**	**0**
EMERY BOARD (non-metal only.)	**0**	**3**	**6**	**6**	**6**	**0**	**0**
EYEBROW PENCIL (factory sealed, pencil only, no liquid.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
EYELINER KIT (factory sealed, pencil only, no liquid.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
EYE SHADOW KIT (no mirrors, kit shall not be altered.)	**0**	**1**	**2**	**2**	**2**	**0**	**0**
FACE CREAM	**0**	**1**	**2**	**2**	**2**	**0**	**0**
FACE POWDER	**0**	**1**	**2**	**2**	**2**	**0**	**0**
FACIAL ASTRINGENT	**0**	**1**	**2**	**2**	**2**	**0**	**0**
HAIR CLIPS, TIES, & SCRUNCHES (no metal components, clips are a maximum 3" in size.)	**0**	**0**	**10**	**10**	**10**	**0**	**0**
HAIR CONDITIONER	**0**	**1**	**2**	**2**	**2**	**1**	**1**
HAIR ROLLERS	**0**	**0**	**20**	**20**	**20**	**0**	**0**
LIPSTICK	**0**	**1**	**2**	**2**	**2**	**0**	**0**
PERMANENT WAVE KIT / CURL / HAIR RELAXER (no lye.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
PERMANENT WAVE RODS (non-electric, plastic only.)	**0**	**40**	**40**	**40**	**40**	**0**	**0**
PERMANENT WAVE KIT	**0**	**1**	**1**	**1**	**1**	**0**	**0**
SHAMPOO (separate entries for male and female inmates.)	**0**	**1**	**3**	**3**	**3**	**1**	**1**
SHOWER CAP (clear only.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
TOOTHBRUSH HOLDER (plastic only, may cover entire toothbrush as an alternative to a brush head cover only.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**
TWEEZERS (metal is permitted, maximum of 3" long.)	**0**	**1**	**1**	**1**	**1**	**0**	**0**

54030.17.6

FOOD

- **NO GLASS CONTAINERS.**
- **NO CANNED ITEMS OR METAL CONTAINERS (EXCEPT AS AUTHORIZED HEREIN).**
- **NO PRODUCTS REQUIRING REFRIGERATION ARE PERMITTED.**
- **UPON AVAILABILITY, ALL CONSUMABLE ITEMS, INCLUDING MEATS, MUST BE PACKED IN CLEAR, SEE-THROUGH FACTORY SEALED NON-METAL CONTAINERS.**
- **NO FOIL PACKAGED ITEMS PERMITTED.**
- **FOODS MEETING SPECIFIC RECOGNIZED RELIGIOUS DIETARY REQUIREMENTS MAY BE ORDERED AS PROVIDED FOR IN SECTION 54030.6.2. RELIGIOUS SPECIALTY FOODS MUST MEET REQUIREMENTS OF THE APPS.**
- **ADDITIONAL FOOD ITEMS APPROVED FOR CANTEEN PURCHASE AT INDIVIDUAL INSTITUTIONS/FACILITIES MAY ALSO BE ALLOWED.**

Item Description With additional requirements and restrictions.	Reception Center		General Population			SHU	ASU
	PRIVILEGE GROUP		PRIVILEGE GROUP			PRIVILEGE GROUP	
	(New Arrival) U	(Processing) U	A	B	C	D	
BEVERAGES (soda, water, etc., no metal components, no fruit juice containing sugar. Privilege group D is restricted from plastic bottles.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
CANDY (shall not contain alcohol or liqueurs, hard candy shall be sugar free only.)	**0**	**1 pound limit**	**2 pound limit**	**2 pound limit**	**2 pound limit**	**1 pound limit**	**1 pound limit**
CEREALS (dry, single serving packets only.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
CHEESE (non-aerosol.)	**0**	**YES**	**YES**	**YES**	**YES**	**0**	**0**
CHIPS	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
COCOA	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
COOKIES	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
COFFEE (instant only.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
CONDIMENTS (hot sauce, mustard, etc., ketchup, jams, jellies, honey, syrup, juices, and sugar are restricted from personal possession.)	**0**	**YES**	**YES**	**YES**	**YES**	**0**	**0**
CRACKERS	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
CREAMER (powdered only.)	**0**	**YES**	**YES**	**YES**	**YES**	**0**	**0**
DRY MIX DRINKS (non-flammable, sugar-free only.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
MEATS, DRY (salami, jerky, sausages, etc.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
FOODS, VACUUM PACKED (tuna, sardines, etc.)	**0**	**YES**	**YES**	**YES**	**YES**	**0**	**0**
MISCELLANEOUS SNACK ITEMS (snack cakes, bars, pies, etc., dried fruit is not permitted.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
NUTS (no shells.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
PROTEIN SUPPLEMENTS (solid tablet or capsule form only, no bulk powdered products.)	**0**	**YES**	**YES**	**YES**	**YES**	**Medical Rx. Only**	**Medical Rx. Only**
SOUPS (styrofoam containers are restricted from ASU and SHU.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
ARTIFICIAL SWEETENER	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
TEA (bags and instant.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
VITAMIN / MINERAL SUPPLEMENTS (solid tablet or capsule form, no bulk powdered products.)	**0**	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**

54030.17.6.1
FOOD

FOOD FOR FEMALE INMATES

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
CANNED GOODS (canned foods and beverages are permissible for canteen sale in female institutions only. **Not approved for inmate packages.**)	**0**	**YES**	**YES**	**YES**	**YES**	**NO**	**NO**

54030.17.7
MISCELLANEOUS

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
ADDRESS BOOK (paperback only, 3" x 5" maximum.)	**1**	**1**	**1**	**1**	**1**	**1**	**1**
AUDIO CASSETTES (professionally pre-recorded only.)	**0**	**0**	**10**	**10**	**0**	**0**	**0**
BALLPOINT PENS (non-metal, clear plastic only, flexible pens or pen fillers may be required for ASU/SHU by local facility procedure.)	**1**	**1**	**4**	**4**	**1**	**1***	**1***
BATTERY RECHARGER (does not count as an electrical appliance.)	**0**	**0**	**1**	**1**	**0**	**0**	**0**
BATTERIES	**0**	**0**	**8**	**8**	**0**	**0**	**0**
BOOKS MAGAZINES AND NEWSPAPERS (paperback or hardback with cover removed only.)	**5**	**5**	**10**	**10**	**5**	**5**	**5**
BOWL (plastic, maximum of 8" in diameter.)	**0**	**0**	**2**	**2**	**1**	**0**	**0**
CALENDAR (12" x 12" maximum dimensions, no metal.)	**0**	**0**	**1**	**1**	**1**	**0**	**0**
CLOCK (non-electric, no alarm.)	**0**	**0**	**1**	**1**	**0**	**0**	**0**
COAXIAL CABLE (based on local facility determination, maximum 6' in length.)	**0**	**0**	**1**	**1**	**0**	**0**	**0**
COMPACT DISCS (factory pre-recorded only, sets including DVDs shall not be permitted.)	**0**	**0**	**10**	**10**	**0**	**0**	**0**
CORRESPONDENCE COURSE (does not impact the limit on books, must be within the established 6-cubic feet limit of allowable property.)	**0**	**0**	**1**	**1**	**1**	**0**	**0**
ENVELOPES, BLANK AND/OR PRE-STAMPED	**10**	**40**	**40**	**40**	**40**	**40**	**40**
ENVELOPES, METERED (indigent inmates only.)	**0**	**5**	**5**	**5**	**5**	**5**	**5**

54030.17.7
MISCELLANEOUS (Continued)

Item Description With additional requirements and restrictions.	Reception Center		General Population			SHU	ASU
	PRIVILEGE GROUP		PRIVILEGE GROUP			PRIVILEGE GROUP	
	(New Arrival) U	(Processing) U	A	B	C	D	
EXTENSION CORD (maximum length of 6' UL approved only, three prong outlet only, upon local facility discretion.)	0	0	1	1	0	0	0
GREETING CARDS	0	10	10	10	5	5	5
HANDKERCHIEFS (white or light gray only.)	0	5	5	5	2	0	0
HOT POT (UL approved, maximum 350 watts, 40 oz liquid capacity, clear, non-removable base from body; temperature sensitive thermal fuse, allowable based upon local facility determination.)	0	0	1	1	0	0	0
INSTRUMENT STRINGS, SPARE (as determined by local institutional procedures.)	0	0	1	1	0	0	0
LEGAL PADS / TABLETS AND NOTEBOOKS (no spiral bound.)	1	1	4	4	2	1	1
PENCILS, DRAWING (colored), **OR WRITING** (non-mechanical only.)	1	3	20	20	20	0	0
PENCIL SHARPENER (non-electric, hand held only, no metal cover, maximum 2" length) Use in Level IV facilities subject to approval of Warden.	1	1	1	1	1	0	0
PHOTOS / PORTRAITS (maximum of 8" x 10".)	15	15	YES	YES	YES	15	15
PHOTO ALBUMS (maximum of 9" x 12".)	0	0	4	4	4	0	0
PLASTIC TUMBLER (16 ounce or less.)	1	1	2	2	2	0	0
READING GLASSES – NON PRESCRIPTION (magnifying glasses.)	1	1	1	1	1	1	1
RELIGIOUS ITEMS (as approved by the local religious review committees, i.e., kufi caps, yamikas, prayer rugs, etc., refer to DOM Section 53050.)	YES	YES	YES	YES	YES	YES	YES
SPLITTER (for use with television.)	0	0	1	1	0	0	0
STAMPS (U.S. Postal only.)	40	40	40	40	40	40	40
STATIONARY	15 sheets	500 sheets	500 sheets	500 sheets	500 sheets	15 sheets	15 sheets
SUN GLASSES (no steel frames, non-mirrored, no red or blue lenses, purchase value not to exceed $50.00, excludes prescription sun glasses.)	0	0	1	1	1	0	0
STORAGE CONTAINER (as permitted by local institutional authority, may include clear storage containers, foot lockers, denture holders, etc.)	0	0	YES	YES	YES	0	0
WALLET (plain brown or black, no engravings.)	0	0	1	1	1	0	0

54030.17.8
GAMES

Item Description With additional requirements and restrictions.	***Reception Center***		***General Population***			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
CARDS (consisting of the four basic suits only. No role playing.)	**0**	**1**	**1**	**1**	**0**	**0**	**0**
CHECKERS	**0**	**1**	**1**	**1**	**0**	**0**	**0**
CHESS	**0**	**1**	**1**	**1**	**0**	**0**	**0**
DOMINOS	**0**	**1**	**1**	**1**	**0**	**0**	**0**

54030.17.9
REGISTERABLE PROPERTY

- A MAXIMUM OF TWO APPLIANCES OF ANY TYPE ARE ALLOWED PER MALE INMATE.
- A MAXIMUM OF THREE APPLIANCES IS ALLOWED FOR FEMALE INMATES WHEN ONE IS A HAIR CARE APPLIANCE.
- BATTERY OPERATED; NON-ENTERTAINMENT APPLIANCES SHALL NOT COUNT TOWARDS THE APPLIANCE LIMIT.
- UPON IMPLEMENTATION OF THIS POLICY, PURCHASES OF ALL ENTERTAINMENT, ELECTRICAL, AND BATTERY OPERATED APPLIANCES SHALL BE LIMITED TO CLEAR CASE BASED UPON INDUSTRY AVAILABILITY.
- UNLESS OTHERWISE INDICATED, THE ITEMS ALLOWED APPLY TO BOTH MALE AND FEMALE INMATES.
- APPLIANCES WITH INTERNAL MECHANISMS FOR RECORDING OR TRANSMITTING CAPABILITY SHALL NOT BE ALLOWED. VENDOR OR MANUFACTURER ALTERATIONS THAT DISABLE AN APPLIANCES CAPABILITY TO RECORD OR TRANSMIT SHALL NOT BE ALLOWED. COMPACT DISC AND CASSETTE TAPE PLAYERS ARE RESTRICTED TO ORIGINAL MANUFACTURER PLAY CAPABILITY ONLY.
- APPLIANCES SHALL BE TRANSISTORIZED PORTABLE MODELS AND HAVE A BUILT-IN ANTENNA. NO REEL-TO-REEL OR SPOOL TYPE PLAYERS.
- ENTERTAINMENT APPLIANCES SHALL HAVE EARPHONES/EARPLUGS WHICH SHALL BE WORN ON HEAD OR IN EAR WHEN APPLIANCE IS IN USE. EARPHONES/EARPLUGS MAY BE PURCHASED AND POSSESSED WHEN INMATE HAS TV OR AUDIO DEVICE AS PERSONAL PROPERTY.
- THE POSSESSION OF ACCESSORIES FOR APPLIANCES AND MUSICAL INSTRUMENTS, SUCH AS RIBBONS AND DAISY WHEELS FOR TYPEWRITERS, IS AUTOMATICALLY IMPLIED. INSTITUTIONS MAY LIMIT ACCESSORIES BASED UPON SAFETY/SECURITY CONCERNS.

NOTE: CERTAIN INMATE HOUSING CONFIGURATIONS MAY JUSTIFY THE PRECLUSION OF THE POSSESSION AND USE OF SPECIFIC APPLIANCES. WARDENS MUST REQUEST APPROVAL FOR AN EXEMPTION FROM THE DEPUTY DIRECTOR, DAI.

54030.17.9.1
REGISTERABLE APPLIANCES

Item Description With additional requirements and restrictions.	**Reception Center**		**General Population**			**SHU**	**ASU**
	PRIVILEGE GROUP		**PRIVILEGE GROUP**			**PRIVILEGE GROUP**	
	(New Arrival) U	**(Processing) U**	**A**	**B**	**C**	**D**	
AUDIO ENTERTAINMENT APPLIANCE (AM/FM radio/CD/cassette tape player or any combination allowed, AC power or battery operated, must have earphone jack and headphones, no detachable speakers, outside measurements not to exceed 3" x 6" x 6", purchase value not to exceed $150.)	**0**	**0**	**1**	**1**	**0**	**0**	**0**
CURLING IRON, ELECTRIC (female only, AC power or battery operated, purchase value not to exceed $25.)	**0**	**0**	**1**	**1**	**0**	**0**	**0**

54030.17.9.1
REGISTERABLE APPLIANCES (Continued)

Item Description With additional requirements and restrictions.	Reception Center		General Population			SHU	ASU
	PRIVILEGE GROUP		PRIVILEGE GROUP			PRIVILEGE GROUP	
	(New Arrival) U	(Processing) U	A	B	C	D	
FAN (AC power or battery operated, plastic blade and cage, not to exceed 9"; not to exceed $25.)	0	0	1	1	0	0	0
HAIR DRYER / BLOW DRYER (female only, purchase value not to exceed $25.)	0	0	1	1	0	0	0
HAIR ROLLERS, ELECTRIC(female only, purchase value not to exceed $25.)	0	0	1	1	0	0	0
HAIR/TRIMMER (AC power, battery operated or rechargeable, includes attachments and combs, spare blades may not be kept in possession of inmate.)	0	0	1	1	0	0	0
LAMP (not to exceed 3 pounds or 12" extended length, not to exceed 30 watts, not to exceed $25, flexible neck only, AC power or battery operated.)	0	0	1	1	0	0	0
PRESSING COMB, ELECTRIC (female only, purchase value not to exceed $25; AC power or battery operated.)	0	0	1	1	0	0	0
RAZOR, ELECTRIC (AC power or battery operated, purchase value not to exceed $50.)	0	0	1	1	0	0	0
RADIO, AM/FM (AC power or battery operated, must have earphone jack and headphones, no detachable speakers, outside measurements not to exceed 3" x 6" x 6", purchase value not to exceed $150.)	0	0	1	1	0	1	0
TELEVISION SET (AC power or battery operated, portable models only). Must have jack and earphones or headphones. Outside cabinet not to exceed 16" x 16" x 20" deep, screen not to exceed 13" measured diagonally. (purchase value not to exceed $300). NO REMOTE CONTROL DEVICES.	0	0	1	1	0	1	0
TYPEWRITER, ELECTRIC (AC power or battery operated portable only, not to exceed 24" x 18" x 12", no memory storage device, disks, tapes, chips (CPUs)). No capability to transfer information. Existing memory typewriters may be retained with owner's manual until no longer operational. (purchase value not to exceed $200.)	0	0	1	1	0	0	0

54030.17.9.2
OTHER REGISTERABLE ITEMS

Item Description With additional requirements and restrictions.	Reception Center		General Population			SHU	ASU
	PRIVILEGE GROUP		PRIVILEGE GROUP			PRIVILEGE GROUP	
	(New Arrival) U	(Processing) U	A	B	C	D	
CALCULATOR (hand held, battery or solar battery operated, no games clock or alarm, no removable memory storage device, disks, tapes, chips (CPUs), no capability to transfer information, purchase value not to exceed $25.)	0	0	1	1	0	0	0
CHAIN, NECKLACE OR BRACELET (female only, yellow or white metal only, value not to exceed $25.)	0	0	1	1	0	0	0
EARRINGS (female only, studs or hoops no larger than 30 millimeters [quarter-size] purchase value not to exceed $25 a pair.)	0	0	3 Pair	3 Pair	0	0	0
HANDICRAFT (requires institutional approval.)	0	0	YES	YES	0	0	0
HEADPHONES (not to exceed $25.)	0	0	1	1	0	1	0
HEALTH CARE APPLIANCE (Dr. Rx. Only.)	YES	YES	YES	YES	YES	YES	YES
MUSICAL INSTRUMENT (as determined by local institutional procedures, combined instrument and case dimensions shall not exceed 46" x 24" x 12".)	0	0	1	1	0	0	0
PRESCRIPTION GLASSES (includes prescription sun-glasses.)	YES	YES	YES	YES	YES	YES	YES
RELIGIOUS MEDAL AND CHAIN (not to exceed $100, chain not to exceed 18" in length, obtainable as a set only, chains may not be purchased separately from medal.)	1	1	1	1	1	0	0
RING (wedding band, one only for male inmates, yellow or white metal only, not to exceed $100, maximum declared value, and may not contain a set or stone) Female inmates may possess a wedding ring or wedding/ engagement ring set, yellow or white metal only. Stones are permissible, maximum declared value not to exceed $150.	1	1	1	1	1	1	1
TYPEWRITER, MANUAL Portable only, pot to exceed 24" x 18" x 12", no removable memory storage device, disks, tapes, chips (CPUs). No capability to transfer information. (purchase value not to exceed $200).	0	0	1	1	0	0	0
WATCH (wrist or pocket style, no sets or stones, no memory storage device, disks, tapes, or CPUs, no alarm, calculator, radio, TV, game or communication capabilities, no capacity to transfer information, purchase value not to exceed $50.)	0	0	1	1	0	0	0

54030.17.9.3
ADDITIONAL ACCESSORIES FOR FEMALE INMATES

Item Description With additional requirements and restrictions.	Reception Center		General Population			SHU	ASU
	PRIVILEGE GROUP		PRIVILEGE GROUP			PRIVILEGE GROUP	
	(New Arrival) U	(Processing) U	A	B	C	D	
ANTENNA WIRE (flexible, up to 5' in length.)	0	0	1	1	0	1	0
COMBINATION LOCK (common key required by institution, **canteen item only, not approved for inmate packages.**)	0	1	1	1	1	0	0

54030.18 Revisions

The Deputy Director, DAI, or designee shall ensure the contents of this Section are current.

54030.19 References

PC §§ 2085, 2600, 2601, 5054, 5058, 5061, 5062, 5063.

CCR (15) (3) §§ 3002, 3006, 3010, 3011, 3044, 3064, 3092, 3101, 3102, 3151, 3152, 3161, 3164, 3175(l), and (m), 3190, 3191, 3193, 3287, 3331(c), 3343(g).

ACA Standards 2-4392 - 2-4394.

Case No. 117925, In the Superior Court of the State of California for the County of Marin.

ARTICLE 44 — PRISON RAPE ELIMINATION POLICY

Effective January 19, 2006

54040.1 Policy

The California Department of Corrections and Rehabilitation (CDCR) is committed to providing a safe, humane, secure environment, free from sexual misconduct. This will be accomplished by maintaining a program to address education/prevention, detection, response, investigation, and tracking of sexual misconduct and to address successful community re-entry of the victim. CDCR shall maintain a zero tolerance for sexual misconduct in its institutions, community correctional facilities, conservation camps, and for all offenders under its jurisdiction. All sexual misconduct 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 abuse 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 an employee or offender from reporting the sexual abuse.

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), and California Assembly Bill 550 (Chapter 303, Statutes of 2005), the Sexual Abuse in Detention Elimination Act. It will provide guidelines for the prevention, detection, response, investigation, and tracking of offender sexual assaults and sexual misconduct between offenders and/or staff and offenders. A further purpose of this policy is to provide guidelines for the successful community re-entry of sexual assault/misconduct victims.

Lastly, this policy informs staff of their responsibility and liability as specified in the law.

54040.3 Definitions

Aggressor

An offender or staff member who attempts to commit, or commits a sexual assault and/or coercion of an offender that results in either consensual or non-consensual sexual contact.

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.

"Need to Know" basis

When the information is relevant and necessary in the ordinary performance of that staff person'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.

Rape

Refer to PC Section 261.

Sexual Assault

Any contact by the use of force, threatened use of force, or coercion between the sex organ of one person and the sex organ, mouth, hand, or anus of another person or any intrusion of any part of the body of one person or of any object, substance, instrument, or device into the sex organ, mouth, or anus of another person.

Sexual Assault Response Team

A coordinated interdisciplinary team of law enforcement, prosecution, medical, and advocacy experts collaborating to meet the forensic needs of the criminal justice system, and the medical and emotional needs of the sexual assault victim.

In the CDCR, one adult institution has an on-site SART, the California Correctional Institute (CCI); all others will utilize the resources available via contract at the local community hospital. The program at CCI will be considered a pilot and will be reviewed after one year for best practices and lessons learned.

Sexual Contact

Any touching of an erogenous zone of another, including the thigh, genitals, buttock, pubic region, or breast for the purpose of sexual gratification.

Sexual Misconduct

Any threatened, coerced, attempted, or completed sexual assault or non-consensual sexual conduct between offenders.

As it relates to employees, any sexual behavior by a departmental employee directed toward an offender, as defined in California Code of Regulations (CCR) Section 3401.5 and Penal Code (PC) Section 289.6. The legal concept of "consent" does not exist between departmental employees and offenders; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law.

Staff or Employee

Any person employed by the CDCR, including volunteers and independent contractors assigned to an institution, community correctional facility, conservation camp, parole, or headquarters.

Victim

For purposes of this policy, an offender who is sexually assaulted or is subjected to non-consensual sexual contact by another offender. In addition, an offender who is sexually assaulted or is subjected to sexual misconduct by a staff member.

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. In cases where an outside Victim Advocate is not

available, a designated employee who has completed the required training will be called upon to provide support to a victim of in-custody sexual assault. (Refer to Evidence Code 1035.2.)

Victim Support Person

Any person of the alleged victim's choosing which could include another offender, personal friend, or family member.

54040.4 Education and Prevention

Employee Training

All employees, including volunteers and contractors, shall receive instruction related to the prevention, detection, response, and investigation of offender sexual assault. This training class will be conducted during new employee orientation, annual block training, and included in the curriculum of the Correctional Training Academy.

Specialized training shall be offered periodically through the local Rape Crisis Center to employees designated as victims' advocates. This training is a minimum of 40 hours instruction time. Only employees who voluntarily agree to act as a victim advocate shall be utilized in that capacity. Staff who volunteer will be subjected to background clearance to ensure no prior history of violence.

All employees who are assigned to investigate sexual exploitation and/or assault will receive specialized training per PC Section 13516 (c). The curriculum utilized in the class must be OTPD approved.

Additional and specialized training is encouraged and should be offered to appropriate employees at individual institutions, facilities, and parole offices, or through approved off-site or on-site training. This includes training provided by outside agencies.

Offender Education

Verbal and written information shall be provided to offenders which will address:

- Prevention/Intervention.
- Reporting.
- Treatment and Counseling.

Offender orientation on PREA will be provided to the offender population via a multi-media presentation on a quarterly basis in both English and Spanish.

Approved PREA posters which contain departmental policy and the sexual assault reporting telephone numbers shall be posted in designated locations throughout the facility 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 Assault Awareness" will be distributed during initial processing in reception center (RC) institutions. The booklet entitled "Sexual Abuse/Assault – Prevention and Intervention" shall be distributed to all offenders during their initial Unit Classification Committee (UCC) hearing at their assigned institution and will be available through their correctional counselor.

Appropriate provisions shall be made to ensure effective communication for offenders not fluent in English, those with low literacy levels, and persons 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.

54040.5 Detection

CDCR staff have a responsibility to protect the offenders in their custody. Every employee is responsible for reporting immediately and confidentially to the appropriate supervisor any information that indicates an offender is being, or has been, sexually assaulted. In addition to this reporting, staff 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 in a confidential manner.

An offender may report sexual misconduct that occurs under the jurisdiction of the CDCR, to any employee. If the employee who receives the report is a non-custody employee, he/she shall immediately notify his/her supervisor and, if in an institution, report the information to the Watch Commander.

Employees are reminded that victims of sexual assault/rape may be seriously traumatized both physically and/or mentally. Staff are expected to be sensitive to the offender during their interactions with him/her.

Screening for Appropriate Placement

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 completion of the Initial Housing Review form, which includes questions related to sexual assault and victimization. Upon the offender's arrival at his/her assigned institution, this information will again be assessed and updated as necessary.

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.

Based on information that the offender has been a victim of sexual assault, 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.

Per the Department's Mental Health Services Delivery System (MHSDS), all offenders shall receive a mental health screening within the first seven days of their 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. This referral will be completed using the Staff Referral for Mental Health Services form, and should include enough information to allow the medical/mental health staff who is screening the referral to determine if the need is urgent (as soon as possible within 4 hours), emergent (within 24 hours), or routine.

54040.5.1 Notification via Inmate Appeals Process

Any employee receiving notice of alleged staff sexual misconduct via a completed Inmate/Parolee Appeal form shall immediately hand-carry the document to the institution head, unit supervisor, or highest-ranking official on duty as outlined in CCR, Title 15, Section 3401.5.

54040.6 Response

It is the expectation of the CDCR that all staff shall maintain professional behavior when interacting with an alleged victim of sexual assault, and display sensitivity to the potential emotional impact of the situation. All employees are reminded that this is a very serious situation. Incident-specific information shall be treated as confidential, and disclosure made only to staff who have a "need to know" and to persons and entities as permitted or required by law.

Initial Contact

Upon the initial contact with staff, that staff member will take the alleged victim to a private secure location. The staff member will use the Initial Contact Checklist to assist the alleged victim.

The staff member shall make every effort to ensure the victim does not:

- Shower.
- Remove clothing without medical supervision.
- Use the restroom facilities.
- Consume any liquids.

When an allegation of sexual abuse against a minor is filed within an adult facility, it will be the responsibility of the Watch Commander to contact Child Protective Services.

54040.6.1 Custody Supervisor Responsibilities

The custody supervisor has significant responsibility in this policy, and a Custody Supervisor Responsibilities check list has been developed to assist with those duties.

If the victim alleges he/she was involved with or assaulted by staff, the Investigative Services Unit (ISU) will be immediately notified via the Watch Commander. The ISU staff shall immediately notify the Office of Internal Affairs (OIA) and the Warden or designee. If this occurs outside of normal business hours, the Watch Commander will notify the Administrative Officer of the Day (AOD), who will notify and dispatch ISU staff. The ISU or the AOD will then notify the OIA.

If a parolee reports sexual assault by another parolee, local law enforcement will be contacted. If a parolee reports sexual involvement with or assault by staff, the staff to whom the report was made will contact their supervisor. The parole supervisor will forward the information through the chain of command to their Regional Headquarters. Parole Regional Headquarters will immediately notify Office of Internal Affairs.

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 of his/her name. 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). The victim's name and address may not be released except to specified persons or as authorized by law if the victim has requested confidentiality.

The custody supervisor shall assign a custody escort to the victim who shall remain with the victim for the entire sexual assault 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).

The Watch Commander shall initiate the Notifications Checklist.

At the time the victim is sent to the outside hospital or on-site Sexual Assault Response Team (SART) location, the Watch Commander is required to contact the Rape Crisis Center to request a Victim Sexual Assault Advocate be dispatched to the hospital. If one is not available, trained staff from the facility will be dispatched or called in to act as the Victim Sexual Assault Advocate.

Upon the victim's return to the institution Triage and Treatment Area (TTA) or designated medical location, the custody supervisor will arrange housing for the victim. All housing options should be considered, including input from the victim regarding his/her housing preference, a bed move, a transfer to a sister institution, and safety concerns. Consideration should also be given to housing the victim with another offender with compatible housing needs.

54040.6.2 Medical Services Responsibilities

Medical staff will conduct an initial assessment to determine if life threatening injuries exist and will treat those as required. In life threatening situations, response may include the need to request emergency transportation (i.e., ambulance), in which case standard medical protocols shall be followed. 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. Once the victim has been stabilized, a Medical Checklist shall be initiated.

In cases where no life threatening situation exists, the assigned Registered Nurse (RN) will initiate the Medical Checklist to ensure a victim support person is offered, and will determine if the victim has issues to be addressed, such as difficulty understanding the situation, language barriers, or physical limitations and ensure they are addressed through the establishment of effective communication per departmental policy.

The assigned RN will initiate the Request for Authorization of Temporary Removal for Medical Treatment form and have it hand-carried to the Watch Office to expedite the transportation process. All staff in the TTA will maintain physical separation and visual separation (whenever possible) between the victim and suspect(s).

The assigned RN will assist the custody escort in maintaining intact any physical evidence which may be found on the victim's person or clothing.

Follow-up testing for sexually transmitted infections/diseases and HIV will be offered as clinically indicated and will be the responsibility of the institution's medical department.

54040.6.3 Transportation Responsibilities

The transportation sergeant or designated sergeant shall maintain Sexual Assault Transportation Kits in a plastic storage bin. This kit will consist of:

- 1 clean jumpsuit.
- 2 pieces of "examination table" type paper (approx 18" x 36" each).
- 2 Evidence Collection Envelopes.
- 2 Evidence Collection Paper Bags.
- 2 pairs of latex gloves and other required personal protective equipment (PPE).

The transportation officer will follow the Transportation Checklist for specific requirements related to the transportation of Sexual Assault victims and suspects.

54040.7 Forensic Medical Examination

The victim will be taken to the designated outside hospital, or on-site SART location, for completion of the forensic exam. The Sexual Assault Nurse Examiner (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 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.

54040.8 Return to Triage and Treatment Area/Receiving &Release

Upon the return of the victim from the outside hospital or on-site SART location, medical clearance will be required prior to determination of appropriate housing for the victim. This medical clearance will be documented on an Emergency Room Flow Sheet or an Interdisciplinary Progress Note. The on-duty RN will also complete a request for an urgent Suicide Risk Assessment (SRA). 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.

Mental Health Responsibilities:

All victims of a sexual assault shall be referred for an urgent SRA upon their return to the institution. The SRA must be completed by a qualified and trained staff member (which may include trained nursing staff). The SRA shall be conducted as soon as possible, but no more than four hours after referral, and shall include a face-to-face evaluation of the victim in a confidential setting. The victim shall be placed under constant and direct observation until the SRA is completed. If the SRA is conducted by a staff member who is not a mental health clinician, the staff member shall refer the victim for an urgent mental health evaluation if the SRA indicated increased suicide risk. All victims of sexual assault/rape shall be referred for a routine Mental Health Evaluation regardless of the outcome of the SRA.

The mental health clinician completing the routine Mental Health Evaluation shall ensure that the victim receives services as outlined in the 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 assault (e.g., safety/security issues or fear of retaliation) shall be documented in the Unit 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 assault shall be provided individual and/or group therapy and, if appropriate, referral to a psychiatrist for medication evaluation. 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 assault. Victims shall be monitored for suicidal impulses, post traumatic stress disorder, depression, and other mental health consequences.

Specific responsibilities of mental health staff shall be consistent with statewide Inmate Medical Services Policies and Procedures supplemented by local operating policies and procedures.

Suspect Processing (Offender on Offender):

All staff will ensure that there is no physical, verbal, or visual contact between the victim and suspect, when possible. The suspect will be escorted to the TTA or designated medical location for medical screening and then to the on-site SART location or outside hospital for the forensic examination. The suspect must consent to the forensic examination or staff will take steps necessary to obtain a search warrant. Due to a suspect's refusal to be tested, it may become necessary to obtain a search warrant. The custody supervisor will contact ISU, the local district attorney's office, or the OIA for assistance in writing one. Steps identified above 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 requisite forms for ASU placement.

ISU staff will provide a Miranda warning and interview the suspect to obtain his/her account of the incident.

Suspect Processing (Staff on Offender)

The OIA will be responsible for all phases of the investigation if the allegations are against an employee. Please refer to the Institution Operations Procedure for Staff Sexual Misconduct for the process to follow. Immediate efforts shall be made to eliminate contact between the victim and the staff member. The Warden or designee shall determine if the employee should be placed on administrative time off consistent with departmental policy during the course of the investigation.

54040.9 Investigation

All reports of sexual misconduct shall be investigated and the findings documented in writing. Sexual assaults and attempted sexual assaults between two offenders shall be investigated by staff from the ISU. The ISU Lieutenant will be responsible for completion of the investigation and will follow standard investigative procedures per institutional procedures. Reports alleging staff on offender sexual assault incidents shall be immediately referred to the OIA for investigation. Criminal investigations shall be referred to the District Attorney's Office.

Pursuant to PC Section 293(a) and Government Code Section 6254, the Victims of Sex Crimes form must be attached to all criminal reports relating to PC Sections 220, 261, 261.5, 262, 264, 264.1, 273(a), 273(d), 273.5, 286, 288, 288(a), 289.5, 422.6, 422.7, 422.75, and 646.9.

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, collect and secure evidence, including the rape kit examination. ISU staff shall photograph/videotape the crime scene and evidence collected, make a diagram of the crime scene, and collect/package all evidence.

Evidence

Care must be taken to ensure that any potential evidence is identified, preserved, and collected. Examples of evidence include any 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.

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 staff member 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 SANE (as previously described, this individual is located at the SART location) in accordance with State of California, Office of Emergency Services Reporting

Instructions. The clothing that the victim wore at the time he/she reported the sexual assault will also be collected by the SANE. All other evidence such as clothing (from his/her bed area) and bedding will be collected per institutional procedure.

Once the SART has completed its process with the evidence, it will be returned to the custody escort to transport back to the institution where it will be secured in an evidence locker and logged appropriately.

54040.9.1 Investigation of Sexual Assaults – more than 72 hours post incident

If the alleged sexual assault is reported or discovered more than 72 hours after the incident, in addition to the applicable provisions discussed above, the custody supervisor shall secure the alleged crime scene (if feasible) and place the alleged suspect (if he/she can be identified) into an ASU. The victim should be questioned using the Post Sexual Assault Information form regarding the specific time and location of the assault. The SART nurse shall be contacted to make a determination as to whether the victim is to be taken for a forensic examination. In addition, the victim should be asked if he/she retained any evidence of the assault (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 suspect to determine the presence or absence of physical trauma, and perform follow-up testing for sexually transmitted diseases and pregnancy testing, as appropriate. Medical staff shall also refer the victim to Mental Health for evaluation/counseling.

54040.10 Classification Process

In cases of alleged sexual assaults, a determination shall be made for all victim(s) and suspects(s) if placement in an ASU is warranted, for reasons outlined in CCR Section 3335. Following ASU placement, an administrative review shall occur in accordance with CCR Section 3337.

54040.11 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 misconduct warrants a disciplinary/criminal charge, a Rules Violation Report and/or an Incident 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.

Determinate Security Housing Unit (SHU) term

For those offenders who have a determinate SHU term imposed for a sexual misconduct offense, the need for an indeterminate SHU term shall be considered at the Pre-Minimum Eligible Release Date, Institution Classification Committee (ICC) if the offender has a history of multiple sexual misconduct offenses.

54040.11.1 Alleged Victim – False Allegations

Following the investigation into the sexual misconduct allegations, if it is determined that the allegations are false, 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 if evidence discovered during the investigation would support that charge. A classification committee will review this information for appropriate housing and enemy concerns.

54040.12 Community Re-entry

Into the Institution

Guidelines for allowing outside organizations and service agencies to offer resources to victims of in-custody sexual assault/rape are currently being developed.

Mental Health Services shall be provided as directed under the Mental Health Responsibility section above.

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.

Consideration during 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).

In the Community

The victim may be referred to the Parolee Out-Patient Clinic, local mental health agencies, and Crisis Intervention Centers, as the need arises.

54040.13 Tracking – Data Collection and Monitoring

The ISU Lieutenant or the supervising parole investigator shall report investigations into allegations of sexual misconduct on their monthly reports, including whether the perpetrator was a staff member or offender, disposition or current status. This information shall also be provided (via copy of the 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.

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.

54040.14 Victim Advocate and Support Person

Victims of the crimes listed below have the right to a victim advocate and victim support person for both the medical examination and the investigatory interview:

- PC Section 261 Rape.
- PC Section 261.5 Unlawful sexual intercourse with person under 18.
- PC Section 262 Rape of spouse.
- PC Section 286 Sodomy.
- PC Section 288a Oral copulation.
- PC Section 289 Forcible acts of sexual penetration.

Advocate and support person for Medical Examination

In incidents where an offender has alleged sexual assault, the watch commander or designee shall immediately notify the local Rape Crisis Center whenever a victim of a sexual assault, as specified above, is treated at the local SART location and/or transported to an outside hospital for any forensic examination.

Per PC Section 264.2, the victim has the right to have a victim advocate present and a victim support person of the victim's choosing at the examination. In most cases, the victim advocate will be from the local rape crisis center. The victim support person may be excluded from the examination if the watch commander/designee or medical provider determines that the presence of the victim support person would be detrimental to the purpose of the examination or poses a threat to the safety and security of the institution or outside hospital. If a victim support person is excluded, the watch commander/designee or medical provider who made the decision shall document the reason (i.e., if time for the support person to attend would result in a significant delay and/or the person requested would present a risk to the safety/security of the institution).

Advocate and support person for Investigatory Process

Per PC Section 679.04, victims of the crimes listed above have the right to have a victim advocate and a victim support person of the victim's choosing present at any interview by law enforcement, the district attorney, or defense attorneys.

If the investigator or the district attorney determines that the presence of the victim support person would be detrimental to the interview, the victim support person 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. Reasons for exclusion of the victim support person are the same as identified above in the medical examination process.

54040.15 Referral of Completed Cases for Independent Review

Upon completion of the investigations and disposition of the involved offenders, each sexual assault case shall be forwarded to the Office of the Inspector General, Bureau of Independent Review, and the Sexual Abuse in Detention Elimination Ombudsperson, for possible review.

54040.16 Revisions

The Agency Secretary shall be responsible for ensuring that the contents of this Article are kept current and accurate.

54040.17 References

Public Law 108-79, Prison Rape Elimination Act.

California Assembly Bill 550 (Chapter 303, Statutes of 2005), Sexual Abuse in Detention Elimination Act.

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.

Redesignated as DOM 93040 on June 18, 1995

ARTICLE 45 — *UNASSIGNED*

Redesignated as DOM 93052 and 93053 on June 18, 1995

ARTICLE 46 — HEALTH RECORDS

Revised March 11, 1993

54046.1 Policy

The medical record service shall maintain medical records that are documented accurately, in a timely manner, are readily accessible, and permit prompt retrieval of information and statistical data.

54046.2 Purpose

To serve as a basis for planning patient care.

To provide documentary evidence of the course of the patient's medical treatment.

To document interdisciplinary communication regarding patient care.

To protect the legal interest of the Department, hospital, patient, and provider.

To provide data for research, education, and evaluation of medical services provided.

54046.2.1 Documentation Principle

Each facility shall maintain health records for all patients treated by the facility. The records shall contain information to identify the patient, justify the diagnosis, to describe the patient's treatment and care, and to provide for continuity of medical care. The record shall serve as an accurate database for the evaluation of the quality of care provided, to provide documentation for business purposes, and to defend legal interests.

54046.2.2 Record Completion

Records shall be complete, legible, typed or in ink, signed, dated, and in compliance with licensing requirements in CCR (22).

Correctable deficiencies are those that can be completed by the individual responsible for the entry or in the absence of the responsible person by another member of the clinical staff with knowledge of the recorded events.

Non-correctable deficiencies are entries where it is not possible to determine if the staff member responsible provided care and treatment.

54046.2.3 Charting Guidelines

All entries in the medical record should be accurate, timely, objective, specific, concise, and descriptive. Only approved abbreviations shall be used. Additional information recorded on subsequent pages shall have "Continued" indicated. Entries are to be recorded consecutively, not leaving blank spaces for additions.

Error corrections are made with a single line drawn through the entry making certain not to obliterate the information. The word error is to be written with the date and writer's initials. An asterisk (*) next to the date of the incorrect entry and another to indicate location of the correction should be used for large corrections. For small corrections continue writing.

"White-out" or any other form of obliteration on hand or typewritten entries is not to be used. All entries are to be written in permanent ink.

All pages in the health record shall contain the patient's full name, CDC inmate number, and name of the facility where treatment or care is provided.

Signatures shall consist of the writer's first initial, last name, and professional title. Countersignatures are to be used when a facility's policy and procedure require such. Initials may be used where called for on specific forms.

Amendments to a record are additions that provide additional facts not available at the time the original entries were made. They provide evidence that the information originally recorded is in error or incorrectly represents the facts. Amendments also explain or clarify missing or incomplete entries.

For late entries, insert (*) in the margin or between lines to correspond with observation, action, or event.

54046.3 Services Defined

The medical record service shall maintain the inmate's health record in a system which allows for easy retrieval, shall assist in locating records on new arrivals, shall answer requests for medical information from other agencies, and shall transcribe various medical reports.

54046.4 Services Provided

Each departmental health care facility shall have a medical record service staffed by medical records personnel. The medical record service shall be conveniently located and adequate in size and equipment to facilitate the accurate processing, checking, indexing, and filing of all medical records.

54046.5 Centralized Outpatient Health Records

An outpatient health record shall be created and maintained for each inmate admitted to the Department. The outpatient health record shall contain both medical and psychiatric information. The reception centers shall initiate the record except in the case of condemned male inmates. SQ shall initiate the record on condemned male inmates.

54046.6 Inmate Access

Inmates shall not be used as workers in medical record services or in areas that would allow the inmate access to health records. An inmate shall not review or be given access to another inmate's health record.

54046.7 Supervision Health Records

In departmental health care facilities with a hospital, the medical records service shall be under the supervision of a registered record administrator or accredited record technician. In all other facilities, the medical record service shall be under the supervision of either a health record technician or a medical records director. When the services of either cannot be obtained on a full-time basis, consultation services shall be obtained.

54046.7.1 Health Record

The inmate's health record, including x-ray films, shall be the property of the Department and shall be maintained for the benefit of the inmate, the medical staff, the health care facility and the Department. The health care facility shall safeguard the information in the record against loss, defacement, tampering, or use by unauthorized persons.

Note: If a hospital ceases operation, DHS shall be informed within 48 hours of the arrangements made for safe preservation of inmate patient records.

54046.7.2 Accountability

A written statement defining the accountability of the medical records service staff and administration shall be available and shall include an organizational chart.

54046.7.3 Service Evaluation

Periodically an appropriate committee of the medical staff shall evaluate the services provided and make recommendations to the medical executive committee and administration of the health care facility.

54046.8 Confidentiality and Release of Information

All health records, either as originals or accurate reproductions of the content of such originals, shall be maintained in such form as to be legible and readily available upon the request of admitting physician; the non-physician granted privileges pursuant to CCR (22) 70706.1; the hospital, its medical staff, or any authorized officer, agent, or employee of either authorized representatives of DHS; or any other person authorized by law to make such a request.

54046.8.1 Valid Authorization

A valid authorization for the release of an inmate's health care record shall follow these guidelines:

- Be handwritten by the person who signs it or is in typeface no smaller than 8-point type.
- Be clearly separate from any other language present on the same page and be executed by a signature which serves no other purpose than to execute the authorization.
- Be signed and dated by the inmate. If the inmate is deceased or incompetent, the legal representative, spouse of inmate or person responsible for the inmate, or the beneficiary or personal representative of the deceased inmate may sign the authorization.
- State the specific uses and limitation on the types of medical information to be disclosed.
- State the name or functions of the provider of health care that may disclose the medical information.
- State the name or functions of the persons or entities authorized to receive the medical information.
- State a specific date after which the provider of health care is no longer authorized to disclose the medical information.
- Advise the person signing the authorization of the right to receive a copy of the authorization.
- Statement of revocation.

54046.8.2 Requests From Outside Agency/Facility

Verbal Requests

Upon receipt of a valid written authorization, health information shall be copied and sent to the requesting hospital, physician, or other agency.

Verbal requests for health information shall be referred to the medical records director, medical records supervisor, correctional health services administrator, CMO, or chief psychiatric officer if the request is for psychiatric information.

Within Department

It is not necessary to have a valid authorization when releasing health information to another facility within the Department or when releasing information to consulting health care personnel within the Department.

54046.8.3 Requests From State AG's Office

Copies of health records shall be made available for review at each facility at the request of the State AG's Office.

54046.8.4 Inmate's Request

Inmates have the right to review and receive copies of their own health record. This review shall take place in the presence of a health services staff member. A charge shall be made for all pages copied at rates specified in the DOM 13030. Inmates totally without funds and/or a pay number shall be provided copy service without charge.

An inmate shall not review or be given access to another inmate's health record.

54046.8.5 Requests From Inmate's Attorney

Upon receipt of a valid authorization from the inmate's attorney, health information can be copied and sent to the attorney. Representatives of the attorney shall have the same degree of access as the attorney providing the attorney designates so in writing. Designated representatives of an attorney are limited to licensed investigators, attorney-sponsored law students, a State Bar certified paraprofessional, or a full-time employee of the attorney. No charge shall be made to the attorney. (See DOM 71020 for more details.)

54046.8.6 Subpoenas

The "Protocol for Subpoenas" published by the California Medical Record Association shall be followed in preparing the records in response to a subpoena.

54046.8.7 Drug Abuse

Health records containing information of drug abuse subsequent to March 21, 1972 and alcohol abuse subsequent to May 14, 1974 are covered by federal laws, 42 CFR C and D. Valid authorization shall indicate that the patient knows that drug and/or alcohol abuse information shall be released if there is any in the record.

54046.8.8 Psychiatric Records

Valid written authorization shall indicate that the patient knows that psychiatric information shall be released if there is any record. Records shall be released by subpoena only if it directs the release of the information to the judge of the court and a subsequent court order is obtained when information is admitted as evidence. Records shall be released by court order. (W&I 5328 and 5328.l9.)

54046.8.9 AIDS and AIDS-Related Condition (ARC) Information

Valid authorization shall indicate that the patient knows that AIDS and/or ARC information shall be released if there is any in the record.

54046.9 Coding

The most recent edition of the International Classification of Diseases shall be used for coding. In those facilities with psychiatric units, the most recent edition of the Diagnostic Statistical Manual shall be used for psychiatric diagnostic coding. Coders shall have completed an approved basic coding course.

54046.10 Indexing

Medical records shall be cross-indexed according to patient by:

- Disease.
- Operation.
- Physician.

54046.11 Standardized Health Services Forms

All forms filed in the inpatient or the outpatient health record shall be approved departmental forms.

54046.12 Inpatient Health Record

The inpatient record shall be in the following order:

- Patient identification.
- Face sheet/admitting form/patient identification.
- Narrative discharge and transfer summary.
- Death reports.
- Report of death.
- Coroner's report (autopsy).
- Medical reports.
- Refusal of examination and treatment.
- Emergency room reports (also known as ER reports).
- Medical history.
- Physical examination.
- Consultant reports.
- Informed consent.
- Human Immunodeficiency Virus (HIV) consent.
- Notice of transfer/transfer summary.
- Operative reports.
- Consent of surgical operation.
- Preop check list.
- Preanesthesia check list.
- Anesthesia report.
- Postanesthesia report.
- Report of operation.
- Pathology report.
- Physician's reports.
- Physician's progress notes.
- Doctor's orders.
- Psychiatric treatment plan.
- Material from outside facilities (same order):
- Staff reports.
- Laboratory reports.
- X-ray reports.
- Electrocardiograms (also known as EKGs).
- Other diagnostic reports.
- Physical therapy reports.
- Respiratory therapy reports.
- Social services.
- Occupational therapy.
- Dietary assessment.

- Nursing reports.
- Medication records.
- Graphic charts.
- Intake & output records.
- Intravenous flow charts (also known as IV flow charts).
- Diabetic record.
- Weight record.
- Nursing assessment.
- Bedside records (nursing notes).
- Patient care plan.
- Record of daily activities.
- Medical report of injury or unusual occurrence.
- Telegram.
- Suicide watch.
- Chronos.
- Miscellaneous.

54046.13 Discharge Analysis

Qualitative analysis shall be performed on all inpatient records. Each inpatient medical record shall consist of at least the following items:

- Identification sheets shall include, but are not limited to, the following:
  - Name.
  - Address on admission.
  - Identification number.
  - Age.
  - Sex.
  - Marital status.
  - Religion.
  - Date of admission.
  - Date of discharge.
  - Name, address, and telephone number of person or agency responsible for patient.
  - Name of patient's admitting physician.
  - Initial diagnostic impression.
  - Discharge or final diagnosis.
  - History and physical examination.
  - Consultation reports.
  - Physician Order to Admit/Discharge including medication, treatment, and diet orders.
  - Progress notes including current or working diagnosis.
  - A discharge summary which shall briefly recapitulate the significant findings and events of the patient's hospitalization, the condition on discharge, and the recommendations and arrangements for future care.

Nurses' Notes

- Nurses' notes shall include, but not be limited to, the following:
  - Concise and accurate record of nursing care administered.
  - Record of pertinent observations including psychosocial and physical manifestations as well as incidents and unusual occurrences and relevant nursing interpretation of such observations.
  - Name, dosage, and time of administration of medications and treatment. Route of administration and site of injection shall be recorded if other than by oral administration.
  - Record of type of physician-ordered restraint and time of application and removal. The time of application and removal shall not be required for soft tie restraints used for support and protection of the patient or required for seclusion for custody reasons.
- Vital sign sheet.
- Reports of all X-ray examinations performed.
- Consent forms when applicable.
- Anesthesia record including preoperative diagnosis if anesthesia has been administered.
- Operative report including preoperative and postoperative diagnosis, description of findings, technique used, tissue removed or altered if surgery was performed.
- Pathological report or laboratory report if tissue or body fluid was removed.
- Labor record if applicable.
- Delivery record if applicable.

- Nursing care plan.
- Psychiatric treatment plan if applicable.

54046.14 Incomplete Inpatient/Outpatient Medical Records

Medical records shall be completed promptly and authenticated or signed by a physician, dentist, or podiatrist within two weeks following the patient's discharge.

54046.15 Transfer of Inpatients to Different Levels of Care Within the Same Facility

The medical record shall be closed and a new record initiated when a patient is transferred to a different level of care within a hospital that has a distinct partially skilled nursing or intermediate care service.

54046.15.1 Transfer to Outside Facilities

A transfer summary shall accompany the patient upon transfer to another health facility. The transfer summary shall include essential information relative to the patient's diagnosis, hospital course, medications, treatments, dietary requirement, rehabilitation potential, known allergies, and treatment plan. The transfer summary shall be signed by a physician. A copy of the transfer summary shall be retained in the inpatient record.

Note: Patients transferred to an outside community health facility shall be considered discharged from the CDC health care facility. The inpatient record shall be closed and a discharge summary completed. Upon return of the patient, a new record shall be established. The history and physical from the outside community health facility may be used if the attending physician makes a notation that the history and physical has been reviewed.

54046.15.2 Transfers to Other Facilities

A narrative discharge summary or transfer summary shall accompany inmates who transfer from one acute care service in one health care facility to another within the Department.

54046.16 Filing System for Inpatient/Outpatient Health Records

All inpatient/outpatient records shall be filed by the inmate's prison identification number. The records shall be filed in numerical order by the last two digits and then in order by the first three digits. The alphabetical prefix is utilized only when two numbers are identical.

54046.16.1 Retention of Inpatient/Outpatient Records

Patient records including X-ray films or reproduction thereof shall be preserved safely for a minimum of seven years following discharge of the patient from a departmental health care facility.

54046.17 Outpatient Health Record

Documents are to be filed behind appropriate divider in reverse chronological order (most recent on top). The outpatient record shall be maintained in the following order:

Left Side of Folder

- Outpatient medication record.
- Daily diabetic record.
- Consultation/inpatient reports section (yellow).
  - Consultation reports–most recent on top.
  - Inpatient reports.
  - Consent to operate–outpatient surgery.
  - Operative reports–outpatient surgery.
  - Refusal of treatment.
- Miscellaneous section (blue).
  - Reports from other (nondepartment) facilities.
  - Medical report of injury or unusual occurrence.
  - Requests for medical information from Department to outside facilities.
  - Receipts from inmate for receiving copies of records.
  - Memos.
  - Correspondence.
- Laboratory/pathology section (orange).
  - Laboratory reports–full page.
  - Laboratory reports.
  - Pathology reports.
- X-ray section (brown).
  - X-ray reports.
  - X-ray reports from nondepartment facilities.
  - Computerized Axial Tomography Scans (also known as CAT Scans).
- Other diagnostic section (pink).
  - Electrocardiograms.
  - Electroencephalograms.
  - Hearing tests.
  - Eye refractions.
  - Physical therapy.

Right Side of Folder

- Outpatient medical record.
- Physician orders for outpatient services.
- Chronos section (green).
  - CDC Form 128-C, Medical/Psychiatric/Dental Chronos.
  - CDC Form 128-C-1, Medical Clearance and Special Instructions Chronos.
- Physical exam section (red).
  - Periodic health reviews.
  - Prenatal records.
  - Immunization records.
  - Entry medical history.
  - Entry physical examination.
  - Record of original dental exam.
- Psychiatric section (purple).
  - Progress notes by psychologist and psychiatrists.
  - Psychiatric arrival screening forms.
  - Psychiatric chronos.
  - Board reports.
  - Psychiatric evaluations.
  - Psychiatric test results (multiphysical exam).
  - DMH outpatient partial day-care treatment reports.

54046.18 Transfer of Inmates

An inmate shall not be transferred to another facility unless accompanied by the outpatient health record.

54046.18.1 Paroles and Discharges

Outpatient health records of inmates who parole shall be forwarded to the appropriate regional parole office. Outpatient health records on inmates who have been discharged shall be forwarded to Archives.

54046.18.2 Deaths

Outpatient health records on inmates who expire shall be retained at the facility in which the death occurred. These records shall be maintained for a minimum of seven years. Health records on parolees who expire shall be forwarded to Archives.

54046.18.3 Health Record Tracking

All receiving facilities shall access inmate health records to ensure that a complete medical file has been received. The facility shall track and monitor receipt of all patients' health records. Temporary files are to be initiated only to file loose clinical reports. A complete permanent health record shall be on the file shelf within 30 days.

54046.18.4 File Audit

Each facility shall audit its file shelves quarterly to ensure that all outpatient health records have been forwarded to the inmate's current facility. Purged files are to be forwarded immediately to the facility where the inmate currently resides with a written explanation from the medical records supervisor.

54046.19 Statistics Admission and Discharge List

All admissions to the health care facility shall be listed by day. All discharges from the health care facility shall be listed by day. The admission/discharge list shall contain at least the following information:

- Inmate's name.
- Inmate's number.
- Previous housing.
- New housing.

54046.19.1 Daily Census Report

The following information shall be maintained on a daily basis:

- Number of admissions.
- Number of discharges.
- Transfers to community hospitals.
- Beginning census.
- Ending census.
- Inpatient daily census.
- Length of stay for patients discharged.
- Interwing/unit transfers.

54046.19.2 Monthly Statistics

The following statistics shall be maintained monthly and forwarded to the HCSD:

- For inpatient acute and infirmary hospitalizations:
  - Total admissions.

- Total discharges.
- Average daily census.

These statistics shall be maintained for all health care facility patients, all patients at outside hospitals, and all non-medical personnel housed in a health care facility.

54046.19.3 Death Log

The following information shall be maintained on all deaths:

- Inmate's full name.
- Inmate's number.
- Date of death.
- Cause of death.
- Place of death.

This log shall also include inmates who expire outside the facility.

54046.19.4 Master Patient Index

A master patient index shall be maintained on all patients. For patients previously hospitalized, current information shall be added to the master index.

The following information shall be maintained on each master patient index:

- Full name of inmate (last name, first name, middle initial).
- Inmate prison identification number.
- Social security number.
- CI&I fingerprint identification number.
- Race.
- AKA.
- Date of birth.
- Age.
- Comments.
- Date of admission.
- Date of discharge.
- Physician.
- Final diagnosis on discharge.

This is a permanent file and shall never be destroyed.

54046.20 Medical Staff Committees

The medical record service responsibilities to medical staff committees are:

- To submit statistical information as requested by the committee.
- To act as a resource.
- To obtain data at the request of the committee for their review.

54046.21 Approved Abbreviation List

Only those abbreviations approved by the Chief of DHS or the CMO shall be used in the inpatient or outpatient health record.

54046.22 Revisions

The Deputy Director, HCSD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

54046.23 References

PC §§ 5054 and 5058.

CCR (15) (3) § 3350.

CCR (22) §§ 70703(d), 70747(a), 70747(b), 70749, 70751(a), (b), (c), (d), (g), (h), (j), and 70753.

42 CFR §§ C and D.

W&I §§ 5328 and 5328.19.

Privacy Act of 1977.

ACA Standards 2-4271, 2-4274, and 2-4288.

DOM §§ 13030 and 71020.

ARTICLE 47 — DENTAL SERVICES

Revised March 11, 1993

54050.1 Policy

The Department dental care policy is to provide only the most essential treatment for the greatest number of inmates.

Basic minimum services shall be accomplished first. Elaborate or extensive care for one patient that cannot be provided for all shall not be undertaken. Availability of funds, facilities, and staff shall govern the level of treatment provided.

Dental services provided shall be diagnostic, preventive, and corrective procedures legally performed by lawfully qualified dental health professionals.

54050.2 Purpose

To provide care necessary to diagnose, prevent, control, and correct dental conditions that are detrimental to the health or the dental well being of the inmate.

54050.3 Policies

The chief dentist (CD) shall develop and maintain written policies and procedures for the dental service in consultation with other health professionals and administration.

In hospitals:

- Policies shall be approved by the governing body.
- Procedures shall be approved by the medical staff and administration.

Written statements defining responsibility and accountability of the dental service to the medical staff and administration shall:

- Be available at all health facilities.
- Include an organization chart.

Written procedures shall be developed assuring inmate access to dental health services covering inmates housed in disciplinary and special housing units as well as general population.

54050.4 Dental Services Provided On-Site

Each designated dental site shall be provided with sufficient space, staff, equipment, and supplies to provide the following services:

- Examinations and X-rays.
- Oral hygiene and prevention instructions.
- Fillings: silver alloys and composites.
- Temporary crowns: acrylic and stainless steel.
- Oral surgery.
- Limited periodontal treatment.
- Prosthodontics: removable full and partial dentures.

54050.4.1 Dental Services Available Off-Site

For essential services that are not provided on-site, each dental service site shall make contractual arrangements for services to be provided off-site.

54050.5 Personnel

Each dental service site shall have professional and auxiliary staff to meet the needs of the facility. This staff shall be composed of:

- Full-time facility employees.
- Part-time facility employees.
- Contract employees.
- Volunteers.

Policies and procedures of the Department for the utilization of these personnel classes shall prevail.

54050.5.1 Staff Responsibilities

All dental services shall be under the professional supervision of a dentist licensed to practice in the State of California who is responsible for dental services to the Deputy Director, HCSD.

Wardens

Wardens have supervisory responsibility of CDs with regard to custody, security, and administration of facility rules. Wardens shall be consulted on major changes in dental services programs.

Chief Dentist

The dental service shall be under the immediate supervision of a designated dentist referred to as the CD who shall be licensed by the State of California and who is fully qualified. Responsibilities shall include:

- The organization and administration of the dental service.
- The supervision of staff assigned to the dental service.
- The mechanism for providing dental care.
- The coordination of dental services with medical, psychiatric, nursing, and custodial services.
- The recruitment and training of staff members.
- Clarifying policies in all aspects of dental care.
- Duty statements for each position utilized. The duty statement shall include:
    - Job title.
    - Full or part-time position.

    - Temporary or permanent position.
    - Duties to be performed and percentage of total time spent in each.
    - Hours of work.
    - Position's immediate supervisor.
- Developing and implementing a process whereby the facilities, the process of care, and the outcome of care are evaluated to ensure that the dental service performed meets acceptable standards.
- A process whereby the programs for delivering dental care are evaluated to assure the appropriate allocation of dental resources.
- Keeping copies of current licenses for all free dental staff.
- Filing copies of current drug enforcement administration certificates for dentists with the pharmacy.
- Establishing dental sick call to accommodate the IW/TIP.

Dentist

Dentists employed by the Department shall be licensed and fully qualified to practice dentistry in California. They shall adhere to the Code of Ethics published by the American Dental Association.

Dentists shall:

- Provide dental care in a facility setting.
- Be in charge of facility dental services.

Auxiliary Personnel

The duties of dental auxiliary personnel shall be limited to such tasks as can be performed legally.

Inmate Personnel

Inmates shall not be used for:

- Direct patient care services.
- Scheduling of appointments.
- Determining access of other inmates to health care services.
- Handling or having access to:
    - Surgical instruments.
    - Syringes.
    - Needles.
    - Medications.
    - Health records.
- Duties requiring the operation of equipment for which they are not trained and/or not certified.

54050.5.2 Liability and Malpractice

Employees of the Department may choose to be represented by the AG's Office if involved in litigation relating to their employment. In general, the State shall be liable for damages caused by persons while acting as agents of the State. The State is not responsible for punitive damages.

54050.6 Clinical Privileges

In facilities that have organized medical staffs, dental members shall participate in the development of the scope and extent of clinical privileges granted to dentists. Privileges shall be granted on the basis of:

- Training.
- Experience.
- Demonstrated competence.
- Judgment.

54050.6.1 Denial of Clinical Privileges

Specific clinical privileges shall not be denied to individuals possessing professional qualifications without following due process procedures.

54050.7 operating room responsibility

Surgical procedures performed by dentists in the medical operating room shall be under the overall responsibility of the chief of surgery or other responsible person or committee in the same manner as pertains to all other medical staff members having surgical privileges.

54050.8 Examination

A dental examination shall consist of:

- Visual and manual inspection of the oral cavity utilizing:
    - Adequate light.
    - Mouth mirror.
    - Explorer.
    - Periodontal probe.
- Checking both hard and soft tissue.
- X-rays and other diagnostic aids as indicated.

Outpatient Dental Record

Information shall be recorded on the CDC Form 237-B, Health Record--Dental, and filed in the outpatient dental record (OPD) folder. The OPD is part of the medical record and contains:

- Health histories.
- Consent/refusal forms.
- Consultation requests.
- X-rays.

54050.9 Reception Centers

Dental care provided by reception centers shall be limited to dental screening and completion of CDC Form 237-A, Record of Original Dental Examination and Formulation and Progress of Dental Program, and such treatment as necessary to meet basic needs. This may include, but is not limited to, the treatment of:

- Injuries.
- Acute infection.
- Severe pain.
- Spontaneous bleeding.
- Repairs of dental prosthetic appliances.

54050.9.1 Health Appraisal

Within 14 days after arrival at the assigned facility of each newly committed inmate, a dentist shall:

- Complete a review of dental records.
- Develop a treatment plan.

54050.9.2 Facilities

The facility to which the inmate is transferred when he leaves the reception center shall:

- Provide treatment according to departmental policy.
- Afford treatment within the limits of available staff and facilities.

54050.9.3 Screening

Upon arrival at a facility, all inmates shall be evaluated by a qualified health professional for oral conditions needing immediate attention. The information shall be recorded on a CDC Form 237-B.

54050.9.4 Sick Call

Time shall be set aside for treatment as follows:

- Urgent/emergency care.
  - For inmates in considerable pain or acutely ill needing immediate dental services.
  - Available 24 hours a day, 7 days a week.
  - Occurrences outside usual clinic hours are managed by medical services who shall contact the on-call dental officer.
- Immediate care.
  - For conditions prohibiting inmates from carrying out daily assignment requiring treatment by a dentist at the earliest time available during clinic hours (within 24 to 48 hours).
- Routine care.
  - For conditions not requiring immediate treatment by a dentist.
  - Requires inmates to be listed and called for treatment in chronological order at a time not interfering with the IW/TIP.
  - Receiving routine treatment, inmates shall keep their mouth and teeth clean and demonstrate the ability and willingness to maintain clean oral conditions.

Routine treatment shall not be provided during sick call.

54050.10 Classification

At the time of screening or examination, the inmate shall be classified according to the severity of their dental problems as follows:

- Class 1–requires no dental treatment.
- Class 2–requires routine but not early treatment of conditions such as:
  - Moderate calculus.
  - Minor dental defects.
  - Periodontal disease--incipient.
- Class 3–requires early treatment of conditions such as:
  - Calculus–heavy deposits causing irritation.
  - Caries–extensive or advanced.
  - Periodontal disease.
  - Chronic infections.
- Class 4–requires immediate or urgent care for conditions such as:
  - Acute infection.
  - Severe pain.
  - Spontaneous bleeding.
  - Trauma.

- Class 5–requires dental prosthetic appliances.

Class 5 does not mean that a prosthesis shall be completed before Class3or 4 treatment. The successful placement of a removable partial denture is generally dependent upon completion of Class 3 or 4 treatment and in the case of abutment teeth, Class 2 treatment as well.

54050.10.1 Combination Classification

When the treatment plan requires both prosthetics and other treatment, a combination classification is used; 1-5, 2-5, 3-5 or 4-5 as is appropriate.

54050.11 Examination and Treatment Planning

Each facility shall initiate only the treatment plan that can be completed. Treatment requiring extended office calls shall be carefully evaluated to ensure completion prior to transfer of inmate. Dentists shall not be expected to provide treatment that they believe is not in the best interest of the patient.

54050.11.1 Health History

A health history shall be:

- Completed and available for each inmate prior to treatment.
- Signed by the inmate and witnessed by a dental staff member.
- Placed in the OPD.
- Reviewed prior to treatment.
- Updated at each recall visit.

54050.12 Informed Consent

A CDC Form 7203, Consent for Medical, Dental or Surgical Services--Inmate/Guardian, is the agreement by an inmate to have a procedure performed after being told in detail of possible risks. The CDC Form 7203 shall:

- Be obtained in writing prior to treatment.
- Become part of the OPD.

54050.12.1 Inmate Refusal of Dental Treatment

When a treatment plan is proposed, any advantages and/or disadvantages shall be explained to the inmate. The inmate may accept or decline any or all portions of the recommended treatment plan. The decision to accept or decline is reversible at any time and must not prejudice future treatment. Refusals shall be noted on a CDC Form 237-B and CDC Form 7225, Refusal of Examination and/or Treatment , and documented on the CDC Form 128-C, Medical/Psychiatric/Dental Chrono, for inclusion in the C-File.

54050.13 Use of Restraints During Dental Treatment

Inmates who must be in restraints when escorted in for treatment shall be in body restraints to facilitate sitting in the dental chair. Restraints shall remain in place during dental treatment. Exceptions to this policy may be made with the concurrence of the CD and the escort officer/program lieutenant.

54050.14 Oral Hygiene and Preventive Dentistry

Plaque removal by personal oral hygiene measures is considered to be basic in the prevention and control of oral diseases. Instruction in personal oral hygiene and prevention shall be a part of the treatment plan for each inmate.

Until adequate personal oral hygiene measures are practiced, an inmate shall receive only that care necessary to relieve pain and/or treat infection. Routine treatment of oral conditions shall not be undertaken.

54050.15 Restorative Materials

Restorative materials of choice shall be:

- Silver alloy.
- Composites.
- Stainless steel crowns.
- Plastic/Polycarbonate crowns.

Treatment filling materials are used for immediate or urgent treatment or where it is advisable because of the questionable prognosis of a tooth.

Gold

Gold is not used by facilities for restorations except:

- Where a facility has an agreement with a school of dentistry, whereby the facility is an extension of the school, gold may be used in restorations when placed by students supervised by faculty and at no expense to the facility.
- Where a fixed or removable gold bridge has failed and the CD determines no other treatment is acceptable or remaking the bridge is easier or more economical, he/she may authorize the use of gold.

54050.15.1 Removal of Gold

Upon removal of gold from an inmate's mouth, the inmate shall sign a CDC Form 238, Receipt for Dental Gold Removed From Inmate's Mouth, indicating a preference of three alternatives:

- To be deposited with inmate's valuables.
- To be sent to the inmate's nearest relative.
- To be donated to the State (for sale or surplus with proceeds to be placed in IWF at the discretion of the Warden).

54050.15.2 Repairs With Gold

When it is necessary to use precious metal to repair, remake, or alter any crown, bridge, or other prosthetic appliance:

- A CDC Form 240, Inmate Authorization To Pay For Prosthesis, shall be completed.
- All such services shall be paid for by the inmate from personal funds.
- Special services shall not be approved when materials on hand can be used as a reasonable substitute for the precious metal.

54050.15.3 Endodontics

Root canal fillings may be performed when deemed advisable by the dentist. This treatment should not be undertaken if:

- The tooth involved requires extensive restoration.
- Other missing teeth in the same arch are to be replaced with a removable prosthesis.
- Other teeth in the same arch are of questionable prognosis.
- The tooth concerned is not essential to maintain the integrity of the arch.

54050.16 Periodontal Treatment

Daily plaque removal is the key to prevention of both caries and periodontal disease, and instructions in oral hygiene and prevention should receive early continuing attention.

54050.16.1 Scaling

The presence of calculus increases the difficulty of plaque removal and should be removed early in the course of treatment.

54050.16.2 Prophylaxis

Polishing of teeth other than as a part of the scaling procedures is not done. Plaque removal:

- Is readily accomplished with the brush and other aids.
- By a health professional is no more effective or lasting than that accomplished by careful brushing.

54050.17 Periodontal Surgery

Periodontal surgery may be performed:

- When the prognosis is favorable.
- When the consent of the inmate has been obtained.

A CDC Form 7204, Consent for Surgical Operation, shall be completed in all cases where general anesthesia is to be used, and may also be used in all other cases where a consent form is deemed necessary.

54050.18 Fixed Dental Prostheses

Dentists shall not attempt to provide cast or laboratory processed crowns or fixed prosthetics except in those very rare instances where no other treatment is suitable.

54050.18.1 Removable Dental Prostheses

Limited dental prosthetic services shall be provided when facilities are available and approved by the CD or delegated subordinate.

Limited prosthetics shall consist of:

- Providing economical appliances necessary for improved mastication.
- Replacing missing anterior teeth.

Acrylic, removable partial dental prosthesis is the appliance of choice when the remaining teeth are sound and:

- Anterior teeth are to be replaced.
- The patient does not have at least eight functioning posterior teeth.

Appliances with cast metal framework may be used in those cases where the acrylic appliance will not suffice.

A complete denture shall be the appliance of choice when the prognosis for a partial denture is dubious.

54050.18.2 Refusal of Complete Dentures

If an inmate refuses the recommendation that a complete denture be provided, the inmate shall thereafter be treated as a treatment refused case as described in the DOM 54050.12.1.

54050.18.3 Prosthetic Listings

The CD shall maintain a list of inmates needing prosthetic appliances. Priorities are dependent upon factors such as:

- Numbers and distribution of missing teeth.
- Inability to chew with remaining teeth.
- Potential changes in tooth position.
- Laboratory workload.
- Facility transfers, releases, etc.

This is a judgment decision by the CD and is final.

54050.18.4 Denture Identification

All dentures provided to inmates shall be imprinted with the inmate's name and identification number.

54050.18.5 Replacement Dentures

New dentures shall not be provided for a denture that can be made serviceable by repair or modification unless in the judgment of the CD the fabrication of a new denture would be more appropriate.

54050.18.6 Loss, Destruction, or Mutilation of Dentures

Prescribed appliances shall be provided at State expense if an inmate is totally without funds. If an inmate has funds in their trust account, the inmate shall be charged for an appliance purchased by an inmate at the inmate's own expense through a vendor of the inmate's choice subject to approval of the CMO or CD.

54050.19 Oral Surgery

Oral surgery may be provided to correct a substantial functional defect or if an existing pathological process will threaten the well being of an inmate over a period of time. Cosmetic or elective surgery shall not be undertaken unless there are important underlying considerations or serious psychological impact. The extraction of asymptomatic teeth may be considered to be an elective procedure.

54050.19.1 Hospitalization

When it becomes necessary to hospitalize a dental patient, a physician of the medical staff shall be responsible for the care of any medical problems arising during the period of hospitalization.

54050.20 Medical Consultation

Consultation with the appropriate service or person shall be requested in the following cases:

- When the patient appears to be a poor health risk for the proposed procedure.
- When the diagnosis is obscure.
- When there is a question as to the patient's ability to give informed consent.
- When the patient has severe facial fractures or infection.
- For all critically ill inmates who require major oral surgery.

A CDCR Form 7243, Consultant's Record, shall be completed when requesting consultation between medical and dental staff.

54050.21 Referrals

When the inmate requires essential dental services that are not available at the confining facility, referrals shall be made by the CD or CMO.

54050.22 Medications Prescribed

The facility pharmacy shall be responsible for stocking and dispensing medicaments normally prescribed by dental services. It shall be the responsibility of the CD to keep the pharmacy informed of the items needed.

54050.23 Dental Diets

The CD shall act as a consultant to ensure nutritious diets are available to inmates unable to chew because of surgery, trauma, or infection. The absence of dentures in an otherwise healthy individual shall not warrant a special non-chewing diet.

54050.24 Use of Health Records

The inmate's health records shall be available for all dental treatment. The dental treatment rendered and orders are to be entered in the health record in addition to being entered on the CDC Form 237-B. This entry shall include the date, diagnosis, the procedure, anesthetic used, and the medication ordered.

54050.25 Radiation Safety

Radiation protection for staff and patients shall be strictly enforced. Protective devices and procedures shall be used to ensure minimum exposure to patients and staff.

54050.26 Infection Control and Hazardous Material

Each health care unit shall have a written supplement on:

- Infection control.
  - Identifying, controlling, and disposal of infectious materials.
- Hazardous materials.
  - Identification, control, and disposal.

54050.27 Disaster and Evacuation Plans

Each health care unit shall develop a plan that includes:

- Location and type of fire extinguisher available.
- Routes for evacuation.
- Drills as prescribed by facility regulations.

54050.28 Dental Laboratory Services

Each facility shall have dental prosthetic laboratory services available as either:

- Part of the local facility dental services.
- A central dental laboratory serving a number of facilities.
- A contracted private laboratory.

When a laboratory is operated as a part of the facility dental services, it shall be under the supervision of the CD.

When any departmental dental laboratory is operating in the capacity of a central dental laboratory, it shall be the responsibility of the laboratory supervisor to ensure that all cases are prioritized in reference to completion.

Each case being fabricated in a dental laboratory shall be accompanied by a CDC Form 239, Prosthetic Prescription, describing the work to be performed and signed by the requesting dentist.

54050.29 Notification of Next of Kin

When an inmate is to be hospitalized for serious illness or surgical treatment, consent for notification of next of kin shall be obtained prior to admission when possible. The next of kin or other identified individuals to be notified in emergencies shall be included in the facility admission forms.

54050.30 Staff Development

Forty hours of facility training/orientation shall be provided each new employee under the direction of the facility training officer. Further orientation of new employees in the hospital/dental area shall be the responsibility of the CD. Attendance at IST meetings applicable to the dental staff shall be required to meet individual facility requirements.

54050.30.1 Continuing Education

Time and reimbursement for professionally related training leave shall be granted as provided in the current collective bargaining agreements. Courses requested shall:

- Be submitted for each person planning to attend each course using a CDC Form 7260, Specialized Training For Continuing Medical Education .
- Be selected to strengthen the weaknesses of the staff as well as individuals.
- Be relevant to the services being provided.

54050.31 Cardiopulmonary Resuscitation

All members of the dental staff shall maintain a current cardiopulmonary resuscitation certificate.

54050.32 Staff Meeting

Meetings of the dental staff shall be held monthly for the purpose of reviewing the care and treatment of inmates and to perform administrative functions. Minutes of these meetings shall be maintained and include:

- Attendance.
- Recommendations.
- Conclusions.
- Actions taken.

54050.32.1 Chief Dentist Meeting

The Deputy Director, HCSD, shall be responsible for calling an annual meeting of the CDs to be held in Sacramento or another suitable location. The purpose of the meeting shall be to discuss and resolve problems common to departmental dental services.

54050.33 Inmate Appeals and Grievances

Every inmate under the jurisdiction of the Department has the right to appeal decisions, conditions, or policies affecting their welfare. There shall be no form of reprisal against an inmate/parolee for filing an appeal nor shall such action prejudice future treatment.

54050.34 Daily Treatment Log

A CDC Form 7282, Daily Dental Treatment Log, for each dentist shall be maintained showing:

- All dental treatment rendered.
- Time spent in IST and administrative functions.
- Downtime.
- Time of appointment.
- The patient's name.
- CDC number.

54050.34.1 Dental Statistics Quarterly Summary Report

A report of dental activities for each dental service provided shall be compiled at the end of each quarter on a CDC Form 7283, Dental Statistics--Quarterly Summary, and forwarded to the Deputy Director, HCSD. This report shall be compiled from the daily logs kept for each dentist.

54050.35 Referral Log

A CDC Form 7284, Dental Referral Log , shall be kept listing those inmates referred to consultants and other facilities for dental treatment. This log shall contain the following information:

- Name and number of inmate.
- Date of referral.
- Complaint.
- Referred by.
- Date seen or treated.
- Diagnosis.

54050.36 Budget and Inventory

All personnel, equipment, capital outlay, and supplies required to operate the dental service require budgeting through the facility business services manager. It is the duty of the CD to make adequate justification for these items to ensure that the services provided meet the needs of the inmate population.

The dental staff shall exercise care to prevent loss or misuse of supplies and/or equipment under its control.

The CD shall maintain an inventory of all supplies and equipment. Dental supplies are normally ordered quarterly. Special purchases for small amounts may also be made between quarterly orders. In each case a CDC Form 954, Procurement Worksheet/Local Request, is submitted through the division head.

54050.37 Clinic Area

There shall be adequate space provided for dental services to carry out procedures in accordance with accepted standards of practice. The area provided shall:

- Be in compliance with applicable fire, safety, sanitation, and H&SC.
- Not pose a threat to the safety of patients or staff.

54050.37.1 Equipment and Supplies

All equipment, instruments, and supplies shall be of the quality required by generally accepted standards of dental practice.

Sterilizing Equipment

There shall be equipment and supplies available for the sterilization and storage of dental instruments and supplies.

Radiographic Equipment

There shall be equipment for dental radiography. Such equipment and procedures shall be in accordance with the safety guidelines published by the National Council on Radiation Protection and Measurements.

54050.37.2 Emergency Drugs and Equipment

Standard emergency drugs and equipment shall be available in the dental treatment area. These shall be reviewed and documented on a regular basis to assure that drugs have not lost their potency and that equipment is in working order.

54050.38 Dental Library Service

Each dental service shall have available a selection of:

- Dental texts.
- Periodicals.
- Materials in general dentistry and specialty areas.

- An index to dental literature.

54050.39 Revisions

The Deputy Director, HCSD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

54050.40 References

CCR (22) (5).

American Dental Association Code of Ethics.

National Council on Radiation Protection and Measurements Guidelines.

ARTICLE 48 — INMATE TUBERCULOSIS ALERT SYSTEM

Effective April 21, 1993

54055.1 Policy

The Inmate Tuberculosis (TB) Alert System is a critical component of the Department overall efforts to identify an inmate's TB status and to control TB within CDC.

54055.2 Purpose

The Inmate TB Alert System will ensure that inmates with unknown or questionable TB status are moved appropriately, and those on treatment regimes do not have interruptions in the treatment.

The Inmate TB Alert System is designed to address several major problems in controlling TB among inmates. The system will:

- Provide a rapid method for Medical Care Services, Classification Services, Case Records, and CDC Transportation staff to determine the most current TB status of an inmate.
- Provide a rapid method for Medical Care Services staff to identify inmates that require ongoing TB treatment at the receiving facility.
- Allow CDC Transportation, C&PR, and/or the CC-III to schedule transportation by the most appropriate method given the inmate's TBstatus.
- Provide reports that will assist facilities in the tracking and control of TB.

54055.3 Definition

TB is an infectious airborne disease that is a serious public health problem in correctional facilities around the country. The control of TB requires a program that emphasizes testing, treatment, and tracking.

Testing

CDC facilities have established TB testing programs to ensure that inmates are tested on an annual basis, as well as when circumstances warrant additional testing. The testing program ensures that inmates with TB are identified as quickly as possible.

Treatment

Control of TB requires aggressive and continuous treatment for extended periods of time. TB can be broadly divided into two stages: TB Infection and TB Disease. Unlike the sound of its name, TB Infection is not infectious. During this early stage of TB, the individual has been infected but has no symptoms. Without treatment, 10 percent of the individuals infected with TB will develop the more severe stage-TB Disease.

With treatment, only 2 to 5 percent will develop TB Disease. It is extremely important in TB control that individuals with TB Infection undergo a full course of treatment. Treatment for TB Infection requires regularly administered oral medications for up to 12 months. Interruptions in therapy can cause a multiple drug resistant strain of TB requiring more aggressive and expensive therapy. Inmates with TB Infection can be moved; however, the Medical Care Services staff at the receiving facility shall be notified that an inmate requiring continuous TB treatment has been transferred to the facility.

TB Disease is initially infectious. After diagnosis and initial treatment, it becomes noninfectious but requires aggressive treatment for up to 24 months. Inmates with TB Disease cannot be moved without respiratory precautions until the disease is noninfectious. Medical staff at the receiving facility must be notified prior to the inmate with TB Disease being transferred to the facility.

Tracking

Controlling movement of the inmate population is critical to TB control. The Inmate TB Alert System addresses the need to control this movement. No inmate shall move on regular CDC transportation until it is determined that the inmate's TB status allows movement without respiratory precautions. When an inmate is moved without knowledge of TB status, there is increased potential for the spread of TB Infection. This could result in unnecessary exposure to the staff and inmate population, and require extensive testing of all exposed inmates and staff.

54055.4 Inmate Tuberculosis (TB) Alert System Major Components

- The Inmate TB Alert System will implement the following major components:

TB Alert Code

- The Department's DDPS and Automatic Transfer System (ATS) shall contain a TB Alert Code for every inmate. This code shall be accessible to designated Medical Care Services, Classification, Case Records, and CDC Transportation staff. The code shall alert Classification, Case Records, and CDC Transportation of movement limitations and special transportation requirements. It shall alert Medical Care Services staff of the need to follow-up on inmates with unknown status, and shall alert Medical Care Services staff when an inmate on therapy is transferred to their facility.

CSR Endorsements

- CSR endorsements for movement shall require the inmate's C-File contain the inmate's TB Alert Code in order to complete the endorsement. This policy requires that the CDC Form 128-C, Medical/Psychiatric/Dental Chrono, or CDC Form128-C-1, Reception Center Medical Clearance/Restriction Information Chrono, documenting the inmate's TB Alert Code be filed in the inmate's C-File at the time of endorsement. The inmate shall not be endorsed for movement if the C-File lacks a CDC Form 128-C or CDC Form 128-C-1 documenting the inmate's TB Alert Code.

Special Transportation Requirements

- Inmates with special transportation restrictions shall not be moved on regular CDC transportation. Inmates that have an unknown TB status shall not be transported on regular CDC transportation. These inmates, as well as infectious inmates, require special transportation using respiratory precautions. Special transportation is other than regularly scheduled CDC bus transportation which is normally arranged by the sending facility and provides medical respiratory precautions where required by the referring physician. Respiratory precautions require that masks are worn by those who come close to the patient, hands are washed after touching the patient or potentially contaminated articles and before taking care of another patient, and articles contaminated with infective material be discarded or bagged and labeled before being sent for decontamination and reprocessing.

Medical Advance Transfer Notice

- The CDC Form 7343, Medical Advance Transfer Notice, shall contain the most current TB Alert Code and TB Alert Transportation Instruction for each inmate. The TB status of all inmates scheduled for movement shall be reviewed by the facility's Medical Care Services staff prior to movement. This is to ensure that changes in TB status have not occurred since endorsement.

Transfer Record

- The CDC Form 135, Transfer Record, shall contain the most current TB Alert Code and TB Alert Transportation Instruction for each inmate. CDC Transportation Sergeants shall be required to review the TB Alert Transportation Instruction of each inmate. Any inmate without a Clear for Transportation Instruction shall not be allowed to board the bus.

Telephone Alert System

- Each facility shall be required to implement a telephone alert system that allows Medical Care Services staff to quickly alert Classification and Custody staff of the need to schedule an inmate for special transportation. When Medical Care Services staff determine that an inmate is going to be moved inappropriately, a medical hold process shall be in place to allow the scheduled movement to be delayed or postponed. Since inmates can move at odd hours, a telephone alert procedure shall be rapid and responsive to the need in stopping inappropriate inmate movement.

The reports associated with the Inmate TB Alert System shall provide Medical Care Services staff with information necessary for immediate follow-up on inmates with unknown TB status. Medical Care Services staff's access to DDPS bed assignments should make reading TB tests more efficient. The transfer endorsement policy and the inclusion of the TB Alert Transportation Instruction for each inmate on the CDC Form 135 and the CDC Form 7343 shall provide additional security in stopping the transmission of TB through inappropriate inmate movement.

54055.5 The TB Alert Code

The current DDPS and ATS are used to collect information, transfer data, and track inmates throughout the CDC system. The DDPS is updated every day and selected information is downloaded to the ATS as required. When an inmate transfers to another facility, the DDPS information follows the inmate within 24 hours. The Inmate TB Alert System is an enhancement to the DDPS and ATS.

The Inmate TB Alert Code is a two-digit code that shall be entered in the Inmate TB Alert System daily by Medical Care Services staff. The code shall then be printed on the CDC Form 7343 and the CDC Form 135, along with the TB Alert Transportation Instruction for each inmate. DDPS shall also generate two reports that will be useful to Medical Care Services staff in monitoring testing activities and tracking inmates with TB Infection and TB Disease.

54055.6 Determining the TB Alert Code

Every inmate at any CDC facility shall be assigned a TB Alert Code to identify their TB status. When an initial TB Alert Code is established and every time the code changes, it shall be documented on a CDC Form 128-C or CDC Form 128-C-1.

54055.7 TB Alert Code Descriptions

Revised January 18, 1994

The TB Alert Codes are described below:

Code _ _

Status Unknown

No entry has been made into the Inmate TB Alert System. This code indicates the TB status of an inmate is unknown. Blank codes require immediate action of the Medical Care Services staff designated as the facility's Inmate TB Alert System Coordinator.

Inmates arriving at CDC reception centers can remain Code __ (blank) until the initial Mantoux Purified Protein Derivative (PPD) skin test has been read. The Code __ (blank) remains until the skin test has been read/interpreted. After test interpretation, the Code __ (blank) becomes either a Code 21 or Code 22. An inmate's TB Alert Code should not remain blank for over 72 hours.

Since an inmate entering the reception center shall be a Code __ (blank) until the PPD is read, it is imperative that designated Medical Care Services staff administer and interpret the Mantoux PPD skin test within 72 hours of inmate arrival. Failure to promptly administer, read, and document the PPD result could result in serious inmate movement problems.

TB Alert Transportation Instruction: Transfer and endorsement shall be deferred. Please refer to DOM 54055.16.

Code 11

Status Unknown/PPD Test Performed.

Code 11 denotes that the PPD skin test has been administered, but not yet read and/or interpreted. The inmate's TB status is unknown. Inmates should remain a Code 11 no more than 72 hours. This code is used when an inmate with an already established TB Alert Code has a subsequent skin test. The inmate must be coded as a Code 11 after the skin test is administered to assure that the inmate is not moved and to document the change in TB Alert status. After the PPD is read/interpreted, the inmate shall be assigned one of the appropriate TB Alert Codes: 21 or 22.

Code 11 is used when:

- Inmates with a Code 22 receive their annual PPD skin test.
- When an inmate is given a PPD skin test as part of a case contact investigation.
- Any time an inmate with an existing TB Alert Code is given a skin test or becomes unknown status.

As specified under Code __ (blank) above, mandatory use of Code 11 in newly arriving reception center inmates is no longer required.

TB Alert Transportation Instruction: Inmates with unknown TB status shall be transported/moved by special transportation using respiratory precautions.

Code 21

TB Screening Test Result Significant--Inmate Under Diagnosis.

A Code 21 is used when the clinician has determined that an inmate requires diagnostic TB testing. While this is generally done in response to a significant PPD skin test, any time a clinician considers an inmate "under diagnosis" for TB, the inmate should be coded as a Code 21.

A Code 21 is used when:

- An inmate has a PPD skin test induration of 10 mm or more.
- An inmate has a PPD skin test induration of 5 mm or more and risk factors specified in the CDC TB Guidelines exist.
- An immunosuppressed inmate is determined skin test positive (without regard to the mm induration) based on anergy testing.
- An inmate with a previously significant PPD (prior history of TB Disease or TB Infection) is undergoing annual or other periodic TB evaluation. Inmates with a prior history of TB Disease or TB Infection should be evaluated once a year. At the time the inmate is ducated for evaluation, the inmate's TB Alert Code should be changed to Code 21. It should remain a Code 21 until the medical evaluation is completed and the inmate is determined free from the disease.

A Code 21 is used only until appropriate diagnostic procedures establish a subsequent TB Alert Code.

After diagnostic procedures, the inmate shall be assigned one of the appropriate TB Alert Codes: either 31, 32, or 33.

Movement from Code 21 to Code 31:

Inmates should be coded 31 any time a clinician suspects infectious TB Disease, based on either symptoms, sputum smears, x-rays, or any combination. The inmate should be changed from Code 21 to Code 31 as soon as the clinician suspects that the inmate could be infectious. For example, if a sputum smear for Acid Fast Bacilli (AFB) returns as positive and the inmate is considered a suspect for infectious TB Disease, they should be immediately coded as a Code 31. It is not appropriate for the inmate to remain a Code 21 while awaiting confirmatory results of the culture and sensitivity.

Movement from Code 21 to Code 32:

Inmates should be moved from a Code 21 to a Code 32 when:

- Written documentation establishes that the positive skin test is the result of a prior exposure and the inmate does not require current prophylactic treatment.
- A clinician determines that a new exposure will not receive prophylactic treatment due to medical contraindications.

Movement from Code 21 to Code 33:

Inmates should be moved from a Code 21 to a Code 33 after the initiation of TB Infection prophylactic medication or upon a signed refusal by the inmate to take prescribed medications. Inmates with a negative chest X-ray must remain a Code 21 until the medical evaluation is complete and the medication initiated or refused.

TB Alert Transportation Instruction: Inmates with a Code 21 shall be transported/moved by special transportation using respiratory precautions.

Code 22

PPD Test Result Non-significant.

Code 22 is used when the PPD skin test is not significant and no follow-up treatment is required. Inmates with a Code 22 require annual PPD skin testing or testing upon exposure.

TB Alert Transportation Instruction: Inmates with a Code 22 shall be transported/moved by regular CDC transportation.

Code 31

Infectious TB Disease Suspected.

Code 31 is used when an inmate is suspected of having infectious TB Disease. An inmate should be made a Code 31 as soon as the clinician suspects infectious TB Disease. The inmate shall remain a Code 31 until they have received appropriate treatment and are no longer considered infectious.

Inmates that are considered a Class V TB case would immediately be coded as a Code 31. The inmate would remain a Code 31 until the clinician determines they are no longer infectious. After the inmate has been placed on TB Disease treatment and is no longer considered infectious, the inmate should be coded as a Code 43. (Please note that the inmate is still a Class V TB case until culture confirms the diagnosis. In most cases, however, the inmate's TB code would change to a Code 43 several weeks before obtaining the culture results.) The inmate should not remain a Code 31 until culture confirmation of the case. They should be coded as a Code 43 (TB Disease-On Medication) as soon as the inmate is no longer considered infectious.

Should an inmate initially considered infectious (and Coded 31) and later have TB Disease ruled out, the inmate would be coded to the appropriate TB Alert Code.

TB Alert Transportation Instruction: Inmates with a Code 31 shall be transported/moved by special transportation using respiratory precautions.

Code 32

PPD Test Result Significant From Prior Infection/Disease--Noninfectious.

Code 32 is used when:

- An inmate has a significant PPD reaction from prior exposure to TB that has already been prophylactically treated.
- An inmate has a significant PPD reaction from a prior case of TB Disease and the inmate has completed the required treatment.
- An inmate has a diagnosis of TB Infection, but after medical evaluation, is not receiving prophylactic treatment due to medical contraindications.

TB Alert Transportation Instruction: Inmates with a Code 32 shall be transported/moved by regular CDC transportation.

Code 33

TB Infection--Noninfectious, On Medication.

Code 33 is used when:

- An inmate has a diagnosis of TB Infection and is receiving prophylactic treatment.
- TB medication has been prescribed but the inmate refused the medication.
- TB medication has been prescribed but the inmate is only intermittently or partially compliant with the treatment regime.
- HIV inmates receiving multiple medication as prophylactic treatment for TB Infection.

When an inmate completes the course of prophylactic treatment for TB Infection, the inmate's TB Alert Code should be changed to Code 32.

TB Alert Transportation Instruction: Inmates with a Code 33 shall be transported/moved by regular CDC transportation. Medication shall be transported on the bus or Medical Care Services staff shall ensure the medication is available at the receiving facility.

Code 43

TB Disease, Not Infectious.

Code 43 is used for inmates currently under treatment for TB Disease when the inmate is no longer considered infectious. Inmates shall remain Code 43 through the entire treatment period for this episode of TB Disease. Upon completion of TB curative treatment, the inmates shall be coded Code 32.

Inmates receiving curative treatment for TB Disease should be coded Code 43 while the result of the culture is pending. If the culture result confirms TB Disease, the inmate will remain a Code 43 throughout the treatment period. If the culture rules out TB Disease, the inmate should, at that time, be coded Code 33 to reflect the inmate's TB Infection status. If the inmate is diagnosed with atypical Mycobacterium infection, the code should be changed to either Code 32 if the PPD status is positive or Code 22 if the PPD status is negative.

Code 43 is used for:

- Confirmed cases of TB Disease currently receiving curative treatment.

- Suspected cases of TB Disease (awaiting culture confirmation) currently receiving curative treatment and not infectious.
- Extrapulmonary TB Disease (confirmed Mycobacterium TB in other than a pulmonary site).

Upon completion of treatment for TB Disease, the inmate shall be coded as Code 32.

TB Alert Transportation Instruction: Inmates with a Code 33 shall be transported/moved by regular CDC transportation. Medication shall be transported on the bus or Medical Care Services staff shall ensure the medication is available at the receiving facility.

54055.8 Documenting the TB Alert Code and Entering the TB Alert Code in the DDPS

Every time an inmate's TB Alert Code changes, Medical Care Services staff shall complete a CDC Form 128-C or CDC Form 128-C-1. This shall be done within 24 hours of reading the PPD skin test results and diagnosing the inmate's TB status.

If the TB Alert Code is 31, the TB Alert Code shall be documented on the CDC From 128-C or CDC Form 128-C-1 by the **end of the shift** in which the diagnosis was made.

The TB Alert Code shall be identified on the CDC Form 128-C or CDC Form 128-C-1.

Medical Care Services staff shall input the inmate's TB Alert Code into the DDPS file within **24 hours** of reading the PPD skin test results, diagnosis, or any change in the TB Alert Code.

If the TB Alert Code is 31, the TB Alert Code shall be entered into the DDPS by the **end of the shift** in which the diagnosis was made.

54055.9 Routing and Filing the CDC Forms 128-C and 128-C-1,

Mainline Facilities:

- Medical Care Services staff in mainline facilities shall route the CDC Form 128-C documenting the TB Alert Code to Medical Records by the end of the shift in which the PPD skin test result was read, diagnosis made, or any change to the TB Alert Code.
- Medical Records in mainline facilities shall file the CDC Form 128-C in the inmate's Medical Record within 24 hours of receipt (or by the end of the next business day if received on a weekend or holiday) from Medical Care Services staff.
- Medical Records in mainline facilities shall route the CDCForm 128-C to Case Records within 24 hours of receipt (or by the end of the next business day if received on a weekend or holiday) from Medical Care Services staff.
- Case Records in mainline facilities shall file the CDC Form 128-C in the inmate's C-File as soon as possible. The CDC Form 128-C must be filed prior to transfer endorsement.

Reception Centers:

- Medical Care Services staff in reception centers shall route the CDC Form 128-C or CDC Form 128-C-1 documenting the TB Alert Code to Medical Records after reading the PPD skin test result, diagnosis, or any change in the TB Alert Code.
- Medical Records in reception centers shall file the CDC Form 128-C or CDC Form 128-C-1 in the inmate's Medical Record within five days of reading the PPD skin test, diagnosis, or any change in the TB Alert Code.
- Medical Records in reception centers shall route the CDC Form 128-C or CDC Form 128-C-1 to Case Records before the transfer endorsement can be completed.
- Case Records in reception centers shall file the CDC Form 128-C or CDC Form 128-C-1 in the inmate's C-File before the transfer endorsement can be completed.

54055.10 Reviewing Scheduled Inmate Movement on the CDC Form 7343, Medical Advance Transfer Notice

General Requirements

A CDC Form 7343 generated at each facility shall contain the TB Alert Transportation Instruction for every inmate listed.

The facility's Associate Information System Analyst (AISA) routinely extracts (downloads) information from the DDPS and enables the ATS access to this information during the generation of the CDC Form 7343. ATS reads each inmate's TB Alert Code from the extracted information, generates the appropriate TB Alert Transportation Instruction based on the TB Alert Code, and prints the TB Alert Transportation Instruction on the CDC Form 7343.

Medical Care Services staff shall review the CDC Form 7343 to ensure the appropriate TB Alert Transportation Instructions have been identified and medications are prepared for transfer if appropriate.

CDC Form 7343 Medical Advance Transfer Notice Distribution Instructions

The Inmate TB Alert Coordinator shall walk to Case Records and obtain a copy of the CDC Form 7343 as soon as it is printed and as subsequent changes occur.

CDC Form 7343 Review Instructions

Medical Care Services staff shall review the CDC Form 7343. It is **not necessary** to compare the TB Alert Transportation Instruction with the DDPS TB Alert Code or documentation in the medical record. A visual check of the names and TB Alert Transportation Instructions printed on the CDC Form 7343 along with Medical Care Services staff's knowledge of inmates who are in the infirmary, quarantine, etc., shall be sufficient. This review is intended to ensure all inmates have a Clear For Transportation status and to identify that any recent change in the TB Alert Code not yet entered in DDPS can be identified and arrange transportation arrangements, if necessary**.**

Medical Care Services staff shall follow instructions for placing Special Transportation Requirements, as described in DOM 54055.11, for any inmate who is TB Alert Code 31, Infectious TB Disease.

Medical Care Services staff shall be responsible for securing medications for inmates who are TB Alert Code 33, TB Infection, Noninfectious, On Medication; or TB Alert Code 43, Diagnosis of Noninfectious TB Disease, On Multiple Medication.

Medical Care Services staff shall be responsible for ensuring transfer medications are at Receiving and Release (R&R) at the time of inmate transfer. If medications are not transferred on the bus, Medical Care Services staff shall telephone Medical Care Services staff at the receiving facility that medications did not transfer with the inmate.

If a TB Alert Code requires change, Medical Care Services staff shall contact Case Records before the end of the shift and document the name of the person contacted and the date of the contact next to the inmate's name on the CDC Form 7343.

Upon completion of review, Medical Care Services staff shall sign the CDC Form 7343 denoting approval and route the CDC Form 7343 to Case Records.

If Medical Care Services staff does not have 24 hours to review the CDC Form 7343, changes and approvals shall immediately be communicated with the appropriate staff by telephone.

54055.11 Special Transportation Requirements

General Requirements

Every inmate who has been diagnosed as Code 31, TB Disease, Infectious, shall be moved only by special transportation using respiratory precautions.

Each facility shall identify Medical Care Services staff who may issue and remove telephone medical holds pending special transportation arrangements. The facility shall also identify Classification and Custody staff who may receive special transportation instructions. The names and telephone numbers of all staff identified in this process shall be documented and distributed.

Medical Care Services staff shall place medical holds pending special transportation arrangements by the end of the shift in which the status was diagnosed. Once an inmate's TB status has changed, a release of special transportation arrangements shall be placed by the end of the shift in which the status was diagnosed.

Placing A Medical Hold Pending Special Transportation Arrangements

Every inmate who has been coded with a TB Alert Code 31, TB Disease, Infectious, shall have a medical hold pending special transportation arrangements. Medical Care Services staff shall place a telephone call to the C&PR, the CC-III, or their designee during regular business hours (the Administrator on Duty [AOD] or their designee during non-business hours) and:

- Identify the inmate as currently infectious.
- Require that the inmate be transferred using special transportation and using respiratory precautions until further notice.

Document the TB Alert Code as described in the DOM 54055.8.

Enter the TB Alert Code as described in DOM 54055.8.

Route and file the documentation as described in DOM 54055.9.

Removing A Medical Hold Pending Special Transportation Arrangements

When an inmate is no longer Code 31, TB Disease, Infectious, the special transportation requirement shall be removed. Medical Care Services staff shall place a telephone call to the C&PR, the CC-III, or their designee during regular business hours (the AOD or their designee during non-business hours) and:

- Identify the inmate as no longer infectious.
- Remove the special transportation requirement.
- Discuss any additional special transport requirements if appropriate.

Document the TB Alert Code as described in DOM 54055.8.

Enter the TB Alert Code as described in DOM 54055.8.

Route and file the documentation as described in DOM 54055.9.

54055.12 Inmate TB Alert System Reports

The Inmate Alert System provides two reports, 1) Medical Alert List by Arrival Date and 2) Medical Alert List by Medical Code and two screens 1) Medical Information Screen History–Diagnosis and 2) Medical Information Screen History–Movement. The reports and screens are useful in monitoring an inmate's TB status.

Medical Alert List By Arrival Date

The user of the Inmate TB Alert System selects the desired inmate arrival date. The selected date may be either one single day or a sequence of many days.

The **Medical Alert List by Arrival Date Report** provides the following data elements for every inmate in the facility by date of arrival:

- Bed/Cell--Most current housing status.
- CDC Number.
- Inmate Name.
- Birth Date.
- Age.
- Medical Code.

The **Medical Alert List by Arrival Date Report** may be generated daily and used for:

- Inmate Tracking--Immediate action shall be taken if the inmate's TB Alert Code remains 11 after 72 hours.
- Case contact investigation information.
- Identification of inmates with TB Alert Code 22 who require annual PPD skin testing.
- Identification of inmates with TB Alert Code 31, 32, 33, or 43 who require yearly evaluations for symptoms of coughing, night sweats, fever, and weight loss.
- Assistance with identifying inmates who require Directly Observed Therapy.
- Assistance in Confidential Morbidity Report and Verified Case Report card generation.

Medical Alert List by Medical Code

The **Medical Alert List by Medical Code Report** provides a list of every inmate grouped by TB Alert Codes. The report may be generated by selecting one or a combination of TB Alert Codes.

This report, sorted by medical alert code and description of code, provides the following data elements for every inmate in the facility:

- Bed/Cell--Most current housing status.
- CDC Number.
- Inmate Name.
- Birth Date.
- Age.

- Arrival.

The **Medical Alert List by Medical Code Report** may be generated daily and used for:

- Follow-up of inmates with a TB Alert Code 11 that should have progressed into another code.
- Data surveillance on a daily, weekly, monthly, and annual basis.
- Expediting follow-up care on inmates with TB Alert Code 21, 31, or 32.

Screens

The Medical Information Screen History--Diagnosis.

Medical Information Screen History Diagnosis

The user will read information regarding the inmate's TB history provided on the **Medical Information Screen History--Diagnosis** screen. Refer to the Medical Alert System User's Manual for detailed instructions.

This screen provides the following data elements for every inmate in the facility:

- CDC Number.
- Inmate Name.
- Bed/Cell--Most current housing status.
- Current TB Alert Code.
- Previous medical diagnosis and date of entry.

Uses of the Medical Information Screen History--Diagnosis screen include:

- Current TB Alert Code and date entry.
- Previous medical diagnosis history.

Once this screen is displayed on the DDPS terminal, a screen print may be executed on the printer. Refer to the Medical Alert System User's Manual for detailed instructions.

Medical Information Screen History Movement

The user will read information regarding an inmate's movement history provided on the **Medical Information Screen History–Movement** screen. Refer to the Medical Alert System User's Manual for detailed instructions.

This screen provides the following data elements for every inmate in the facility:

- CDC Number.
- Inmate's Name.
- Bed/Cell--Most current housing status.
- Current TB Alert Code.
- Transaction Message.
- Facility.
- Cell.
- Location.
- Date.
- Previous CDC Number.

Uses of the Medical Information Screen History–Movement include:

- Assistance with case contact investigations.

Once this screen is displayed on the DDPS terminal, a screen print may be executed on the printer. Refer to the Medical Alert System User's Manual for detailed instructions.

54055.13 Weekly Code Review

General Requirements

Medical Care Services staff shall conduct a weekly review of inmates with a TB Alert Code of___ (blank), 11, 21, or 31. This review shall provide Medical Care Services staff with the ability to ensure that coding and medical follow-up is properly maintained.

Each facility shall identify the Medical Care Services staff who will generate, review, and follow-up on those inmates who are identified with TB Alert Codes 11, 21, or 31.

Weekly Code Review Instructions

Medical Care Services staff shall generate the **Medical Alert List by Arrival Date Report** on the DDPS each Monday morning using the arrival date for the Monday of the previous week and selecting TB Alert Codes of 11, 21, and 31. Refer to Medical Alert System User's Manual for details.

Medical Care Services staff shall review medical records for each inmate who reports a TB Alert Code of 11, 21, or 31.

If the TB Alert Code is 11, the Mantoux PPD skin test shall be read and interpreted or re-administered as appropriate.

If the TB Alert Code is 21, the reviewing Medical Care Services staff shall determine if the diagnosis has been confirmed.

If the TB Alert Code is 31, the reviewing Medical Care Services staff shall determine if the diagnosis can be updated.

If the TB Alert Code is updated to Code 31, Medical Care Services staff shall issue a medical hold pending special transportation arrangements as defined in DOM54055.11.

Any TB Alert Code changes shall be documented and entered in the DDPS as described in DOM 54055.8.

Route and file the documentation as described in DOM 54055.9.

54055.14 Monthly Reporting

General Requirements

Each facility shall generate the **Medical Alert List By Medical Code Report** at the month's end and use the data to complete the **Interim Tuberculosis Case Report**. This report shall be submitted to the Infectious Disease Control Unit in headquarters.

Monthly Report Instructions

On the morning of the first day of each month, Medical Care Services staff shall generate the **Medical Alert List by Medical Code Report**. Refer to the Medical Alert System User's Manual for details for report generation.

Medical Care Services staff shall complete the **Interim Tuberculosis Case Report** using the information contained in the Medical Alert List by Medical Code Report.

Medical Care Services staff shall submit the **Interim Tuberculosis Case Report** to the Infectious Disease Control Unit in headquarters by the close of business on the 5th of the month.

54055.15 Case Contact Investigation

General Instructions

As soon as a diagnosis of Infectious TB Disease is reasonably established on laboratory, clinical and/or radiographic basis, investigation of contracts shall begin. The TB Alert System can assist facilities to manage case contact investigations.

- The **Medical Alert List by Arrival Dates Report** from the Inmate TB Alert System can assist in verifying all inmates (close contact) who were in the facility during the "period of infectivity."
- The **Medical Alert List by Medical Codes Report** from the Inmate TB Alert System can assist in identifying the TB status of all identified close contacts.

All inmates who have been identified as a close contact to the source inmate should immediately be coded TB Alert Code 11 with the appropriate documentation on the CDC Form 128-C or 128-C-1.

Documentation, coding, routing, and filing for this and subsequent TB Alert Code changes follows the procedures specified in DOM 54055.8 and 54055.9.

54055.16 TB Documentation for Transfer Endorsement

General Requirements

An inmate's transfer endorsement shall be deferred if the TB Alert Code is not documented on a CDC Form 128-C or CDC Form 128-C-1, Medical/Psychiatric/Dental Chorine, and filed in their C-File at the time of endorsement. The CSR or CC-III (for DPU cases) shall be responsible for deferring endorsement of any case with incomplete TB status information. The inmate's C-File shall have a documented TB Alert Code of 21, 22, 31, 32, 33, or 43. The C&PR or CC-III shall notify Medical Care Services staff of any missing documentation.

Medical Care Services staff is responsible for reviewing the inmate's Medical File, completing or providing the appropriate copy of the CDC Form 128-C or CDC Form 128-C-1 and forwarding it to Case Records within 24 hours from the date of notice by the C&PR or CC-III. Case Records shall file the CDC Form 128-C or CDC Form 128-C-1 in the inmate's C-File within 24 hours.

Classification Referral Instructions

As is current practice, the C&PR, CC-III, or their designee shall audit all files prepared for CSR review and endorsement to ensure proper casework. No case shall be presented for CSR action without a valid TB Alert Code of 21, 22, 31, 32, 33, or 43 documented on a CDC Form 128-C or CDC Form 128-C-1 in the inmate's C-File.

The C&PR, CC-III, or their designee shall notify the Inmate TB Alert System Coordinator in Medical Care Services of the missing CDC Form 128-C or CDC Form 128-C-1 within 24 hours of review. The Inmate TB Alert System Coordinator shall provide the CDC Form 128-C or CDC Form 128-C-1 within 24 hours of notification.

Should a case inadvertently be presented to a CSR for transfer endorsement and lack a valid TB Alert Code of 21, 22, 31, 32, 33, or 43 documented on a CDC Form 128-C or CDC Form 128-C-1, the case shall be deferred. The CSR shall notify the C&PR, CC-III, or their designee of the missing information that same day. The C&PR, CC-III, or their designee shall follow step two above.

Special Transportation Instructions

If an inmate with a TB Alert Code of 11, 21, or 31 requires movement, special transportation arrangements are required. A CDC Form 128-C or CDC Form 128-C-1 shall document a doctor-to-doctor agreement for appropriate housing, type of transportation, and any medical concerns and restrictions per DOM 62080.16. Following transfer endorsement by a CSR, transportation arrangements shall be coordinated by the C&PR, CC-III, or their designee.

The C&PR or CC-III shall refer to DOM 54055.19 for specific guidelines.

If an emergency transfer of an inmate is required for other than medical reasons and the TB Alert Code does not authorize a normal move, the C&PR, CC-III, or their designee shall contact Medical Care Services staff during regular business hours (the Medical Officer on Duty [MOD] during non-business hours) and receive verbal TB Alert Code verification for inclusion on the CDC Form 135, Warden's Check-out Order. If the transfer takes place after regular working hours, arrangements shall be made through the Watch Commander, AOD, MOD, and Supervising RN (SRN) if applicable. Transportation precautions shall be taken accordingly. Within 24 hours of verbal verification, Medical Care Services staff shall provide appropriate documentation on a CDC Form 128-C or CDC Form 128-C-1 to Case Records for inclusion in the inmate's C-File and update the TB Alert Code in DDPS if required. They will also contact the receiving facility's Medical Care Services staff with any relevant medical information pertaining to the transferred inmate.

54055.17 Distribution and Review of the CDC Form 7343

A CDC Form 7343 generated at each facility shall contain the TB Alert Transportation Instruction for every inmate listed.

The facility's AISA routinely extracts (downloads) information from DDPS and enables the ATS access to this information during the generation of the CDC Form 7343. The ATS reads each inmate's TB Alert Code from the extracted information, generates the appropriate TB Alert Transportation Instruction based on the TB Alert Code, and prints the TB Alert Transportation Instruction on the CDC Form 7343.

Medical Care Services staff shall review the CDC Form 7343 to ensure the appropriate TB Alert Transportation Instructions have been identified and medications are prepared for transfer if appropriate.

A description of the TB Alert Transportation Instructions can be found in DOM 54055.19.

CDC Form 7343 Using ATS

AISA shall download DDPS to ATS before the CDC Form 7343 is generated.

Follow the normal process to generate the CDC Form 7343.

CDC Form 7343 Distribution Instructions

The Inmate TB Alert System Coordinator shall walk to Case Records and obtain a copy of the CDC Form 7343 as soon as it is printed and as subsequent changes occur.

CDC Form 7343 Review Instructions

Medical Care Services staff shall immediately notify Case Records of any TB Alert Transportation Instruction changes by telephone.

Upon completion of review, Medical Care Services staff shall sign the CDC Form 7343 denoting approval and route the CDC Form 7343 to Case Records.

If Medical Care Services staff do not have 24 hours to review the CDC Form 7343, changes and approvals shall immediately be communicated with the appropriate staff by telephone.

54055.18 Deletion of Inmates From the CDC Form 7343

Medical Care Services staff shall notify Case Records if an inmate's TB Alert Code has changed.

Inmates remaining on the CDC Form 7343 with a TB Alert Code of 11, 21, or 31 shall not be moved on regular CDC transportation. The inmate's name shall be deleted from the CDC Form 7343 by telephone request. See DOM 54055.11 for additional information.

If it is necessary to move the inmate, a CDC Form 128-C or CDC Form 128-C-1, documenting the special transportation instructions, shall be requested from Medical Care Services staff.

54055.19 TB Alert Transportation Instructions

The TB Alert Transportation Instructions shall be found on the CDC Form 135. A description of each TB Alert Transportation Instructions is as follows:

TB Alert Transportation Instruction: Med Alert Sp Trans 11.

Meaning: TB status unknown.

Action: Inmates with Code 11 have an unknown TB status, either because their screening test has not yet been performed or has not been read and interpreted. These inmates pose a high risk of transporting TB Infection and cannot be put on regular CDC transportation, including buses and transportation used to move inmates from CDC facilities to CCFs. These inmates shall be transferred by special transportation using respiratory precautions.

TB Alert Transportation Instruction: Med Alert Sp Trans 21.

Meaning: The inmate's PPD was significant and the inmate is being diagnosed for suspected TB Disease.

Action: Inmates with Code 21 had a significant PPD and remain under diagnosis. These inmates pose a high risk of transporting TB Infection and cannot be put on regular CDC transportation, including buses and transportation used to move inmates from CDC facilities to CCFs. These inmates shall be transferred by special transportation using respiratory precautions.

TB Alert Transportation Instruction: Clear For Transportation 22.

Meaning: The inmate 's PPD was non-significant and the inmate is cleared for transportation.

Action: Inmates with Code 22 had a non-significant PPD and are not infectious. These inmates shall be transferred by regular CDC transportation.

TB Alert Transportation Instruction: Med Alert Sp Trans 31.

Meaning: The inmate has been diagnosed with infectious TB Disease. Transfer should be done only under the approval and direction of Medical Care Services.

Action: Inmates with Code 31 have TB Disease and are currently infectious. These inmates pose a high risk of transmitting TB Infection and cannot be put on regular CDC transportation, including buses and transportation used to move inmates from CDC facilities to CCFs. These inmates shall be transferred by special transportation using respiratory precautions.

TB Alert Transportation Instruction: Clear For Transportation 32.

Meaning: The inmate 's PPD was significant due to prior infection. The inmate is cleared for transport.

Action: Inmates with Code 32 had a significant PPD from prior TB Infection and are not currently infectious. These inmates shall be transferred by regular CDC transportation.

TB Alert Transportation Instruction: INH Medication 33.

Meaning: The inmate has TB Infection but is not infectious. The inmate is on INH medication.

Action: Inmates with Code 33 have TB Infection but are not infectious. Medications shall be transferred with the inmate or Medical Care Services staff shall arrange for medications with the receiving facility. These inmates shall be transferred by regular CDC transportation.

TB Alert Transportation Instruction: Multiple TB Medication 43.

Meaning: The inmate has TB Disease but is not infectious. The inmate is on medication.

Action: Inmates with Code 43 have TB Disease but are not infectious. Medications shall be transferred with the inmate. These inmates shall be transferred by regular CDC transportation.

54055.20 Review of Inmate TB Alert Transportation Instructions by the Transportation Sergeant

The CDC Transportation Sergeant shall be required to review the TB Alert Transportation Instructions of each inmate before boarding the bus. Inmates with TB Alert Codes of 11, 21, or 31 shall not be put on regular CDC transportation, which includes movement from CDC facilities to CCFs. These inmates shall be transferred by special transportation using respiratory precautions.

54055.21 Review of Inmate TB Alert Transportation Instructions by the Receiving and Release Staff

If an inmate arrives at the receiving facility with a TB Alert Code 11, 21, or 31, R&R staff shall immediately notify Medical Care Services staff. The inmate shall be placed in a separate cell until Medical Care Services staff move the inmate to the facility's infirmary.

54055.22 Coordinating With Medical Services-Special Circumstance Moves

If an emergency transfer of an inmate is required for other than medical reasons and the TB Alert Code does not authorize a normal move, the C&PR, CC-III, or their designee shall contact Medical Care Services staff during regular business hours and receive verbal TB Alert Code verification for inclusion on the CDC Form 135 or Warden's Check-out Order. If the transfer takes place after regular working hours, arrangements shall be made through the Watch Commander, AOD, MOD, and SRN if applicable. Transportation precautions shall be taken accordingly. Within 24 hours of verbal verification, Medical Care Services staff shall provide appropriate documentation on a CDC Form 128-C or CDC Form 128-C-1 to Case Records for inclusion in the inmate's C-File and

update the TB Alert Code in DDPS if required. They will also contact the receiving facility's Medical Care Services staff with any relevant medical information pertaining to the transferred inmate.

54055.23 Revisions

The Deputy Director, HCSD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

54055.24 References

PC §§ 3053, 5054, 5058, 6006, 6007, and 6008.

Medical Alert System User's Manual.

W&I § 1768.10.

ARTICLE 49 — MENTAL HEALTH SERVICES

Revised July 11, 1995

54060.1 Policy

The Department shall receive, evaluate, house, treat, and/or refer all psychiatrically disturbed inmates who by virtue of their mental illness are unable to appropriately function within the constraints of the usual correctional processing or program assignments.

54060.2 Purpose

To provide for the detection, diagnosis, treatment, and referral of inmates with mental health problems and to assist each facility's Warden during all stages of each inmate's period of incarceration.

54060.3 Plan for Mental Health Programs

The Deputy Director, HCSD, shall maintain the delivery of mental health services and programs to inmates and parolees. Such services and programs shall include the following:

- Provisions for mental health care to all inmates and parolees with emphasis on identification of need while in reception and prerelease processing.
- Provision for diagnosis and treatment of voluntary patients.
- Provision for involuntary diagnostic and treatment services with appropriate safeguards against abuse and means for appeal and relief.
- POCs shall provide mental health services to parolees, reporting administratively to P&CSD, and reporting professionally to the Deputy Director, HCSD.
- An ongoing program to assess the needs of current departmental population.
- Priorities for the use of limited resources and plans for improving existing programs or initiating new programs.
- Criteria for referring for services within the Department and to other agencies.
- A program review and evaluation activity.

54060.4 Services

Each institution shall provide staff, space, equipment, and supplies for the treatment and/or referral of inmates with mental disorders requiring care. Each institution shall provide 24-hour emergency service.

- All departmental staff, by their supervisors, shall apprise institutional management when this procedure and/or professional standards are not being followed or met.

54060.5 How Services are Obtained

Departmental employees may refer an inmate to an institution's mental health services or the inmate may submit a request for such services.

54060.6 On-Site Services

Inpatient psychiatric services shall be provided at the:

- CMF.
- CIM.

Outpatient services or arrangements for appropriate referrals shall be provided at all institutions.

54060.7 Routine Referrals

The treating physician at any facility may initiate a referral to any psychiatric resource by contacting the designated facility Chief Psychiatrist (CP) or equivalent. The referring facility shall arrange transportation. The receiving facility may request further evaluation prior to transfer.

Placement and assignment procedures for psychiatric treatment categories, including documentation and CSR endorsement, shall be as outlined in the DOM 62050 and 62080.

54060.8 Category "I"

A classification of Category "I" for males and "I" or "Psychotic" for females is assigned to inmates who are believed to be:

- Acutely psychotic, severely depressed, or suicidal.
- Mentally ill inmates who are management problems, providing the psychosis warrants treatment in a hospital setting.

54060.8.1 Category "I" Transfers

Category "I" care is provided at CMF or at the CIW. Category "I" designation shall only be made by CMF or CIW staff. Other institutions with inmates who appear to meet Category "I" criteria shall transfer such cases to CMF or CIW for psychiatric observation.

When an inmate believed to be mentally ill is transferred to a psychiatric program and later found not to be mentally ill, they shall be returned to the sending institution without CSR review.

The DMH provides inpatient services for inmates transferred from the Department in accordance with PC 2684 and at CMF by interdepartmental contract.

54060.8.2 Mental Health Evaluations

When an inmate is transferred for a comprehensive mental health evaluation by a multiple disciplinary mental health team, it shall take place within 14 days after the date of transfer. The evaluation shall include at least the following:

- Review of mental health screening and appraisal data.
- Collection and review of additional data from staff observation.
- Individual diagnostic interviews and tests assessing intellect and coping abilities.
- Compilation of individual's mental health history.
- Development and overall treatment/management plan with referrals.

54060.9 Off-Site Services

The Department maintains interdepartmental agreements to transfer mentally ill or mentally deficient inmates or parolees to DMH or the Department of Developmental Services for treatment.

54060.10 Records

Records for each inmate housed by DMH shall be maintained by the respective "hub" institution (refer to DOM 62030). The "hub" institution and P&CSD staff shall make all contacts with the designated DMH facility to secure reports, schedule BPT hearings, and to process an inmate's parole or discharge. Any report needed for BPT hearings, Superior Court, or other such proceeding shall be requested of DMH to prepare the report or send the departmental staff person to the hospital to complete the report.

54060.11 Inpatient Facility

The psychiatric inpatient unit shall treat mentally disordered patients with any psychiatric illness or disease, whether functional or of organic origin, requiring inpatient-level care.

54060.11.1 Inpatient Facilities Requirements

The CP shall:

- Administer medical care and services for the unit, including all acts of diagnosis, treatment, prescribing, and ordering of drugs.
- Develop a plan for treating and/or referral of patients with emergency medical problems.
- Chair a committee to identify and recommend to administration necessary equipment and supplies.

54060.11.2 Psychiatrists

The psychiatrist shall:

- Prepare the diagnostic formulation for each inmate.
- Develop and implement individual treatment plans.
- Determine frequency of medical examinations.

Reports of all medical examinations shall be placed in the inmate's medical record file.

Only medical staff shall order an inmate removed from general housing status for medical or psychiatric reasons.

54060.11.3 Clinical Psychologists

Psychological services shall be provided by clinical psychologists. Clinical psychologists are members of the medical staff and shall have admitting privileges within departmental medical facilities.

54060.11.4 Social Worker Services

A social worker shall be used for the rendering of social services:

- At the request of the patient's attending physician.
- At the request of management staff.

54060.11.5 Psychiatric Nursing

A nurse with at least two years experience in psychiatric nursing shall provide the nursing management of the psychiatric unit.

There shall be an RN with training and experience in psychiatric nursing on duty at all times in an institution having a psychiatric unit.

There shall be sufficient nursing staff including RNs, MTAs, Licensed Vocational Nurses (LVN), and mental health workers to meet the needs of inmates. Nursing activity documentation shall be forwarded to the unit CP.

54060.12 Therapeutic Programs

Every inpatient unit shall:

- Provide and conduct organized programs of therapeutic activities in accordance with the interests, abilities, and personal and custodial needs of the inmate.
- Develop and record an individual evaluation and treatment plan which is correlated with the total therapeutic program.

Qualified therapists shall be employed to conduct the therapeutic activity program that may include:

- Occupational.
- Music.
- Art.
- Dance.
- Recreation.

54060.13 Inmate Patient Rights

Each inmate patient shall have the same rights as all other inmates unless the physician has good cause to deny an inmate any of the rights specified. The denial and reasons shall be entered in the inmate's medical record.

54060.14 Due Process for Psychiatric Patient Transfers to CMF

Due process for inmates transferred to CMF for psychiatric reasons shall be accomplished by CMF staff.

The inmate shall:

- Be given written notice indicating a hearing shall be held within seven days after arrival at CMF.
- Be assisted by his caseworker for and at the hearing which includes available documentation relating to the transfer.
- Have the information and/or justification for ordering the transfer disclosed at the hearing.
- Have the opportunity to present either oral or written testimony of witnesses.
- Be informed in writing of the decision.

The chairperson shall:

- Be an independent decision maker.
- Not be the treating psychiatrist at the referring or treating facility.
- Have the discretion to limit witnesses.

- Have the discretion to continue the hearing if additional information is needed.

54060.14.1 Appeal

The inmate may appeal the decision within 30 days using CDC Form 602, Inmate/Parolee Appeal Form.

Note: DOM 54060.15 through 54060.34 are now incorporated into DOM 99010.

54060.15 Control of Inmate

Employees are authorized and shall be required to use physical force on an inmate when necessary under the following circumstances:

- To prevent injury to other persons.
- To prevent escape or serious disorder.
- To prevent serious property damage.
- To prevent suicide or self-inflicted serious injury.
- To accomplish a necessary change in location after the inmate has been given a reasonable opportunity to cooperate and refuses to go. A supervisor shall be present to supervise the activity.
- To accomplish medically ordered involuntary medication supervised by a custody supervisor and observed by a medical doctor or RN.

54060.15.1 Contained Situation

Contained or controlled situations (such as a recalcitrant inmate in a locked cell or room) with no apparent likelihood of immediate danger or injury to any person shall be evaluated and alternatives to the use of force, considered. In such controlled non-emergency situations, the use of force may be authorized only by personnel at the level of lieutenant or above. On psychiatric wards, the approval of a psychiatrist shall be required.

54060.16 Staff Responsibility

Staff persons shall:

- Orally report to the immediate supervisor all incidents where physical force is used to subdue, contain, or control an inmate.
- Fully document the incident prior to leaving the facility.

54060.16.1 Supervisor's Responsibility

Supervisors shall:

- Provide supervision of the incident, when possible, to ensure only minimum amount of force is used to control the situation.
- Not become actively involved in the use of force unless absolutely necessary.
- Report incident verbally and in writing to the immediate supervisor.

Supervisor in charge shall:

- Ensure medical attention and care is provided.
- Have personnel evaluated by medical staff and first-aid administered if required.
- Have injured inmates treated by medical staff and documented on a CDC Form 7219.
- Have photographs taken of all persons involved and verify photographs are true depictions.
- Log and maintain negatives and pictures for two years before obliteration.

54060.17 Restraint and/or Seclusion

Application of mechanical equipment and/or seclusion for psychiatric reasons shall be:

- Used only to protect the inmate and others from injury.
- To prevent property damage.

Mechanical Equipment

An inmate shall:

- Be placed in restraint only by written order of a physician.
- Be placed in restraint at the discretion of a RN, MTA, or LVN and an oral order obtained, recorded, and signed by a physician.
- Be observed every 15 minutes by medical staff.
- Be easily removable in the event of fire or other emergencies.

A record of type of restraint, application, and removal shall be in the inmate's medical record.

Seclusion

An inmate placed in seclusion requires the same orders as mechanical equipment restraint.

54060.18 Taser

The taser, an electrically charged control device, may be used on combative, resistive, assaultive, or disturbed inmates to:

- Control.
- Subdue.
- Contain.
- Escort.

The taser shall not be used as corporal punishment.

54060.18.1 Authorized Use of a Taser

Only qualified and certified staff are authorized to use a taser. A taser may be used on an inmate in order to:

- Prevent injury to other persons.
- Prevent escape or disorder.
- Prevent serious property damage.

- Prevent suicide or self-inflicted serious injury.
- Accomplish a necessary change in cell location.

Supervisor

The supervisor shall be present during the use of the taser.

In an emergency life-threatening situation, any on-duty lieutenant may order and be present during the use of the taser.

Taser Operator

Only sergeants and above shall actually operate the taser.

54060.18.2 Medical Staff Present During Use of a Taser

A medical representative shall be present during the use of the taser. Medical staff shall remove the darts from the inmate.

54060.18.3 Review of Medical/Psychiatric Records

Custodial Staff

A taser shall not be utilized until the following occurs:

- Custodial staff shall notify the CMO or designee that use of the taser is being considered on a particular inmate. Custodial staff shall identify the inmate to medical staff by name, CDC number, and housing location.

CMO

- The CMO or designee is responsible to review the medical and psychiatric sections of the inmate's health record to ascertain whether there are any medical conditions that preclude the use of the taser. **Use of the taser is prohibited if the inmate received any psychotropic medication in the prior six weeks, is being treated for a cardiac arrhythmia, or has a pacemaker.**
- If no prohibitive medical or psychiatric condition exists, medical staff shall inform the appropriate custodial authority that there are no medical/psychiatric factors which preclude the use of the taser on the inmate at this time.

54060.18.4 Documenting Review of Medical/Psychiatric Records

CMO

- The CMO or designee is responsible to document their findings in the general medical and psychiatric sections of the inmate's health record.

Facility Administrative Staff

- The facility administrative staff is responsible to document compliance with these procedures within the CDCR Form 837 series, Crime/Incident Report, which is submitted to the Institutions Division at headquarters.

See DOM 32010, Taser Certification/Recertification Requirements; 51030, Reportable Incidents; and 55050, Authorization/Use/Limitations and Storage, for additional information on the taser.

54060.19 Inmate in AD-SEG

When an inmate remains in AD-SEG beyond 30 days, a personal interview shall be conducted and a written report, CDC Form 128-C, shall be prepared by a psychologist or psychiatrist to evaluate any psychological sequel, need for medications, and/or reassurance about external circumstances. If the inmate confinement continues beyond three months, a psychological assessment shall be made every three months.

54060.20 Clinical Evaluation by Counselors

There may be occasions when large numbers of psychiatric referrals and limited psychiatric staff may require that qualified CC-IIs prepare clinical records in lieu of psychiatric evaluations for selected cases and under supervision of a psychologist or a psychiatrist. A psychiatric council shall be established to review such evaluations prepared by counselors. The council shall be comprised of:

- Chairperson: facility's chief or program psychiatrist/consulting psychiatrist.
- Clinical psychologist.
- PA, CC-III, or CC-II who prepared the evaluation.

54060.21 Inmates With Death Sentences

Three appointed psychiatrists shall:

- Conduct a psychiatric examination and submit a written report to the Warden in time for the report to be transmitted to the Governor at least 20 days prior to the scheduled execution date.
- Have all information available pertinent to the inmate's sanity.
- Prepare a report at least 20 days prior to scheduled execution to be submitted in triplicate to the Director.
- Evaluate the electroencephalogram examination with an interpretation of the results in lay wording.

54060.22 Psychiatric Serious Disciplinary Hearings

For serious disciplinary hearings in a psychiatric unit, a subcommittee shall include a psychiatrist or psychologist. A full disciplinary committee shall include a psychiatrist and a psychologist.

54060.23 Psychiatric/Psychological Evaluations--General Instructions

For efficient use of evaluations for BPT, Superior Court, etc., the psychiatric/psychological portion of the cumulative case summary shall:

- Be brief and concise.
- Use lay terminology and explanations.
- Avoid detailed recapitulation of material available elsewhere in the cumulative summary.
    - If the previous report is virtually identical to the current evaluation, do not rewrite the entire report.
    - Indicate the case has been reviewed, the previous report is still applicable, and there is no significant change.

54060.23.1 Content

The evaluation shall also indicate:

- Whether this is the first, second, etc., report to the authority.

- Length of time since the last report.
- What was the nature of author's contact with the inmate.
- If first report, note pertinent previous psychiatric history with a short digest of essential conclusions and treatment.
- Summarize current essential development and progress.
- Delineate the psychopathology present which supports the diagnosis and prognosis.
- Reevaluate previously reported psychiatric conclusions.
- Comments on causative factors, self-understanding, attitudes, motivation for change, emotional stability, social identification, sincerity, and rehabilitation.
- A neurological appraisal (or reference to prior appraisal or note that such appraisal is needed) if organicity is present.
- The observed effect of medication or note if not on medication.

54060.23.2 Conclusions

All evaluations shall list the reasons for general conclusions. The diagnosed psychopathology is related to criminal behavior:

- Directly, the offense or offenses were largely a function of the psychopathological state.
- Indirectly, the psychopathology directly and clearly predisposed to the offenses but did not determine them.
- No significant relationship, criminal behavior, and psychopathology have been unrelated. Continuation of the psychopathology does not substantially increase the likelihood of criminal behavior.

Observation in the Facility

During observation in the facility, the inmate has:

- Psychiatrically improved slightly, moderately, greatly, or entirely.
- Psychiatrically deteriorated slightly, moderately, or greatly.
- Psychiatrically has shown no significant change.
- No conclusions may be drawn because of insufficient time and observation by evaluation.

Return to Community

In a less controlled setting such as return to the community, the inmate is:

- Considered likely to continue improvement.
- Considered likely to hold present gains.
- Considered in all probability to deteriorate because of (listreasons).

54060.23.3 Suggested Actions

From a psychiatric standpoint, the inmate should:

- Remain in present rehabilitation program as continued benefit is likely. State recommended specific treatment.
- Be removed from special (psychiatric evaluation) calendar because:
  - Psychopathology is not significantly related to future criminal behavior and psychiatric opinion will not contribute to release decision.
  - Two or more favorable psychiatric reports (having conclusions favorable for release) have been written within the last three years. The two favorable reports shall have been written by more than one examiner or had psychiatric council review.
  - There have been repeated psychiatric reports describing chronic mental pathology which cannot be expected to change. The conditions under which parole would be possible or become possible shall be spelled out with this recommendation.
- Be considered for transfer to DMH as needing treatment not available in the Department. Recommendations shall state whether it is anticipated that such treatment may result in the inmate being able to be returned to society.

54060.23.4 Parole and Release

If the inmate is to be paroled or released, consideration shall be given to the following:

- Violence potential outside a controlled setting in the past considered to have been serious (specify) and at present estimated to increase, decrease, or be comparable. In this context, violence is equated with inflicting physical harm on others or great emotional harm, as by creating fear.
- Conditions of parole such as outpatient clinic (parole or local), halfway house, no alcohol, and other special attention or special supervision needs. Indicate whether evaluator recommends:
  - Mandatory for parole from facility.
  - Necessary after release to parole.
  - Desirable.
- Continuation of medication on parole. Specify name of medication, dosage, frequency, and route of administration.

54060.23.5 Contingency Recommendations

Indicate recommendations to the classification committee if parole is denied. If a parole date is set, give pertinent information for the period in the facility prior to parole (e.g., whether further psychiatric evaluation should be made prior to release). Indicate basis for all recommendations.

54060.24 Progress Reports

After the report is written, new psychiatric developments in the case shall be reported on CDC Form 128-C and sent to the C&PR for inclusion in the report.

54060.25 Psychiatric Evaluations—Life Prisoners

A full psychiatric evaluation on life prisoners shall be prepared for all initial and subsequent parole hearings. An evaluation shall be prepared for any rescission hearing based on psychiatric problems or assaultive/sexual behavior. Inmates shall be retained on psychiatric referral status unless specifically removed by a BPT panel and the reasons specified in the hearing decision.

54060.25.1 Category X

Inmate cases ordered to category X shall be calendared to appear in one year, unless the panel specifically instructs that the inmate be calendared upon completion of the evaluation. Inmates who refuse to cooperate with a requested evaluation shall also be retained on psychiatric referral status and calendared on the one-year schedule.

54060.25.2 Distribution

Psychiatric evaluation reports shall be completed and copies distributed to the inmate, their attorney, and the DA at least 15 days before the hearing.

54060.26 Gender Dysphoria Treatment

Genetically, male inmates who may have problems of gender dysphoria (an emotional state characterized by anxiety, depression, etc.) may be referred for evaluation and possible treatment to the gender identification unit at CMF. Genetically, female inmates with analogous problems shall be referred to the CMO at CIW.

- Recommendations for treatment or nontreatment shall be determined by a gender committee at CMF. The physician in charge of the gender identify unit shall serve as chairperson and shall be determined by the CMO at CIW.
- Medical staff shall assess prior use of sex hormones.
- Referral for psychological evaluation shall be required only on inmates where the physician has questions regarding the inmate's mental status or the appropriateness of further hormone treatment from the standpoint of psychological factors.
- If discontinuation of hormones is considered, medical staff shall assess the risk for negative consequences of such discontinuation. The length of prison sentence may be an important consideration. For a male inmate who is going to spend many years incarcerated, it may be realistic to consider the medical consequences of discontinuance. Male inmates transferred from CMF to other facilities shall not be continued on their hormone medication.

Implementation of surgical castration, vaginoplasty, or other such procedures shall be deferred beyond the period of incarceration. Surgical procedure shall not be the responsibility of the Department.

54060.27 PC 1170(d) Evaluations

When a request for a PC 1170(d) is received, staff shall prepare a diagnostic study and recommendation. This report, together with the current psychological evaluation if indicated, and a transmittal letter shall be reviewed by the program's Associate Warden. If any staff recommendations are in conflict, the method by which this conflict was resolved shall be described in the transmittal letter to the court. Excluding reception centers and emergencies, inmates shall not be transferred until the PC 1170(d) report is completed.

54060.28 PC 273(a)(d) and 1203.03 Evaluations

Reception center staff shall prepare a psychiatric/psychological evaluation for each PC 1203.03 case and each inmate who, after observation or based on the information from the county, appears to have a psychiatric problem that may affect facility placement. Prisoners convicted of PC 273(a) (willful cruelty toward child/endangering life, limb, or health) and/or PC 273(d) (inflicting corporal punishment upon a child resulting in traumatic injury) shall undergo a psychiatric/psychological evaluation to determine whether counseling may be recommended as a condition of parole.

54060.29 Work/Training Incentive Program

An inmate with documented long-term medical/psychiatric work limitations shall be processed in the following manner:

- The inmate shall receive a psychiatric or psychological evaluation to determine the extent of the inmate's disability and to delineate the inmate's capacity to perform work and/or training programs for either a full or partial work day. If the inmate is deemed capable of working only a partial work program, they shall be awarded full-time credit for participation in such a program.
- The psychiatric or psychological evaluation shall be reviewed by the facility's classification committee.

54060.30 Revisions

The Deputy Director, HCSD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

54060.31 References

PC §§ 273, 1170, 1203.03, 2600, 2684, 2685, 2690, 3002, 3501, 5068, and 5068.5.

CCR (15) (3) §§ 3342 and 3362.

CCR (22) §§ 70577 and 70579.

W&I §§ 5000 et seq., and 7301.

H&SC § 1316.5.

B&PC §§ 2900 - 2912.

Youngberg v. Romero.

The injunction, dated October 31, 1986, in the matter of Keyhea V. Rushen, 178 Cal. App. 3d 526.

The Consent Decree filed March 25 in the case of Whitaker V. Rushen, U.S.D.C., ND No. C-81-3284.

DOM §§ 32010, 51030, 55050, 62030, 62050, and 62080.

ARTICLE 50 — CANTEEN

Effective January 8, 1990

54070.1 Policy

Canteens for inmate use shall be established in all institutions and camps of the Department pursuant to PC 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 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.
- 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.
- Provide Canteen Card Order (CDC Form 184) to all housing areas for use by inmates.

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 request from the Trust Office that reflects an inmate's current balance.

Inmates shall be permitted to withdraw from their account, by completing a CDC Form 184, Canteen Card Order and depositing the form in an approved Canteen Card request box in accordance with canteen draw schedules.

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.
- Indicate the deadlines for submission of CDC Form 184, Canteen Card Order.
- 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.

Approved withdrawals for canteen purchases shall be posted within eight days of approval to the inmate's cash register card.

Each inmate may withdraw funds from their trust account for canteen purchase 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 Initial Canteen Draw

Newly arrived inmates may, within 30 days of arrival, submit canteen card orders for any scheduled draw, regardless of their last two digits of departmental ID number. However, after their initial (Fish) draw, subsequent draws shall be according to the published schedule.

54070.5.2 Canteen Card Order (CDC Form 184)

CDC Form 184 must contain the inmate's name, number, housing unit, cell or bed number, and proper signature. Canteen cards improperly completed will not be processed.

54070.6 Maximum Monthly Canteen Draw

The maximum amount allowed to be withdrawn from an inmate's trust account for the purpose of canteen purchases is $140.00.

The maximum amount an inmate may withdraw for canteen purposes is in accordance with their IW/TIP privilege group. (Refer to DOM 53130 or CCR 3044.) The maximum draw for each privilege group is:

- Privilege group A: Maximum monthly canteen draw as authorized by the Director.
- Privilege group B: One-half the maximum monthly canteen draw as authorized by the Director.
- Privilege group C: One-fourth the maximum monthly canteen draw as authorized by the Director.
- Privilege group D: One-fourth the maximum monthly canteen draw as authorized by the Director.

- Privilege group U: One-half of the maximum monthly canteen draw as authorized by the Director.

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.

- In order to draw group A or B limits on canteen, inmates shall possess their privilege cards when going to the canteen.
- Inmates who do not have their privilege cards with them shall be entitled to group C and D canteen privileges (one-fourth of the maximum monthly draws as authorized by the Director).
- All inmates shall present their picture identification and privilege card to the canteen staff to purchase canteen items or ducats.
- 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 requests for canteen cards 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.

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 Infirmary Inmate

Infirmary patients shall submit their canteen draw orders to the infirmary unit staff for processing.

Patients shall submit their lists of canteen purchases to the infirmary unit staff for the appropriate draw each week up to their maximum monthly privilege group amount or their available cash register card total whichever is less. The infirmary 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 canteen draw orders 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.

Canteen cash register cards shall not be forwarded with the inmate when transferred. Canteen cash register cards shall be cancelled by the Trust Office and the amount credited to the inmate's account.

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 status shall not purchase canteen during the period of loss of canteen privileges. One monthly draw shall be lost for each thirty-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 Cash Register Cards and 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, post old ducats to the canteen cash register card, or post old ducats to the inmate's trust account.

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 the hospital.

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 Canteen Cards and/or Ducats

Canteen cash register cards shall be secured at each facility canteen. Inmates shall:

- Place a clear thumb print or three fingerprints on the CDC Form 184 and/or canteen cash register card.
- Sign the CDC Form 184 for the amount posted from the inmate's trust account to the inmate's canteen cash register card being placed in the canteen.
- Sign the canteen cash register card each time a purchase is made to acknowledge the amount of the purchase and the remaining balance.

54070.9.1 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.

If the confiscation is upheld through the disciplinary/ appeal process the confiscated items shall be disposed of as described in DOM 52051.

54070.10 Inventories

The canteen and the IWF canteen warehouse shall be closed a minimum of two days each month for inventory and reconciliation of CDC Form 17, Inventory Sheet.

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 inventory CDC Form 17A 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 CDC Form 17A.

Upon verification of both CDC Form 17 and CDC Form 17A, the forms shall be turned in to the IWF accountant by the canteen manager.

54070.11 Special Canteen Purchase Process

Approved catalogs and order forms shall be made available to the inmate population for ordering special purchases. Only work group A and B shall have special canteen privileges. Completed order forms shall be delivered to the canteen manager or designated staff for approval.

The Receiving and Release Sergeant or inmate property officer shall determine if the item being ordered is in compliance with items allowed as inmate personal property and that the personal property being ordered does not exceed the amount limitations. All orders shall contain the respective housing officer's verification that the inmate's cell has been checked to ensure that orders do not exceed amount limitations or other restrictions outlined in the procedure.

Inmates may be allowed to purchase a television set for their personal use if approved by the captain or designee.

After verification, the canteen manager shall sign and forward the completed forms to the Trust Office for processing. In case of insufficient funds, the Trust Office shall return the order forms to the special canteen clerk for routing back to the inmate. The canteen manager's office shall instruct the vendor to print or write the inscription **"Special Canteen Order"** in bold letters, and designate the proper facility on the outside of the merchandise container in a noticeable location.

Copies of orders sent to vendors shall be routed to the Receiving and Release sergeant or inmate property officer by the canteen manager's office so that accountability can be maintained when the merchandise is received from the vendor.

54070.11.1 Service Charge

The prices of all items ordered through the special canteen shall include, in addition to normal taxes, a ten-percent (10%) service charge. This service charge is based on the purchase price only (exclusive of such costs as state sales tax, freight, and handling). It shall be deposited into the IWF. The only items exempt from the ten-percent charge shall be medical appliances, correspondence courses, nonfiction books and legal material.

The service charge encompasses any expenses incurred by the institution with the processing of an inmate's order. These expenses include, but are not limited to:

- Preparation of the purchase order to the vendor.
- Mailing charges for both the purchase order and the payment of the invoice (but not for the shipment of merchandise).
- Telephone charges when required to follow up on purchase orders.
- Acceptance and distribution of merchandise when received from the vendor.

Staff responsible for special purchases for inmates are encouraged to consolidate orders whenever possible in order to reduce unnecessary expenses.

54070.11.2 Searching Merchandise

Special canteen orders shall be searched for contraband by Receiving and Release staff or the inmate property officer when received from the vendor. Electrical appliances and television sets shall be searched, sealed and tested by Receiving and Release staff.

Orders shall be processed twice weekly. Staff shall check the items received against the copy of the original order to the vendor and ascertain that the item is in compliance with authorized personal property. If not on the approved list, or not on the original order, the item shall be returned to the vendor with a request for a refund. A copy of all paper work and a written explanation shall be forwarded to the inmate. Copies shall be routed to the Trust Office and one copy shall be retained in Receiving and Release files.

After staff has processed the special canteen order and found it to be acceptable, a property receipt shall be filled out in duplicate. The receipt shall contain a description of the item(s), amount received, and if appropriate, the model and/or serial numbers. The receipt shall then be attached to the order.

54070.11.3 Delivery of Merchandise to Inmates

Designated staff shall issue special canteen orders to inmates. Staff shall use the inmate's privilege card to identify the inmate receiving the order and obtain the inmate's signature and a clear thumbprint or three fingerprints on the property receipt form. Issuing staff shall retain the original of the completed form for placement in the inmate's property folder and give the copy to the inmate.

54070.12 Revisions

The Deputy Director, Institutions Division, shall ensure that the content of this section is accurate and current.

54070.13 References

PC § 5005.

CCR (15) §§ 3090(a), (b) and (c), 3091 - 3095.

ARTICLE 51 — FOOD SERVICE

Revised March 30, 1999

54080.1 Policy

The Department shall supply inmates with a wholesome, nutritious, and adequate diet, served in an orderly manner with food flavor, texture, temperature, appearance and palatability taken into consideration. Recommended daily allowances, as established by the Food and Nutrition Board of the National Academy of Sciences, shall be considered authoritative in setting levels of nutritional need. Sanitation, safety, and food handling practices and levels shall be established and maintained in keeping with applicable requirements established by the Department of Health Services (DHS) and Industrial Safety Standards.

54080.2 Purpose

This section provides instructions and guidelines for properly administering the food service program at CDC institutions/facilities.

54080.3 Responsibility

The Departmental Food Administrator (DFA), represents the CDC in all food service issues and activities. The DFA develops, administers, and monitors the Department's food services program while the institution heads are responsible for their respective food service operations.

Designated health care staff at each institution/facility are responsible for prescribing therapeutic diets and nourishment bags for inmate/patients as necessary.

54080.4 Review of Departmental Menu Plan

The Departmental Menu Plan shall be reviewed by a registered dietitian on an annual basis to ensure compliance with the recommended dietary allowances established by the National Academy of Sciences. This review shall be coordinated through the DFA's office and any findings shall be reported to the DFA.

54080.5 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. 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 CMO for inmates in licensed health care facilities, or due to an individual inmate's documented medical or disability requirements.

54080.6 Diets

The CDC food plan and standardized department-wide menu for a low fat, "Heart Healthy" diet shall be followed by all institutions for all standard meals. No outpatient therapeutic diets shall be prescribed.

The DFA shall ensure that the CDC food plan meets the dietary needs of most inmates by providing a "Heart Healthy" low fat, low salt, diet; that a nutritional analysis of the CDC food plan is done whenever menu changes are made; and that standardized departmental recipes are maintained, consistent with the CDC food plan.

Each institution's food service program is responsible for the procurement, preparation and distribution of nourishment bags to inmates. Procurement, preparation, and distribution of inmate nutritional supplements is the responsibility of institutional health care services staff.

Institution heads and correctional food managers (CFM) shall ensure consistent adherence with the CDC food plan, standardized department-wide menus, and modification of the Automated Food Manager Program/Food Management System (AFMP/FMS) recipes to reduce fats, salts, sugars, and spices.

54080.7 Food Service Handbook

In addition to this section, 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.

The Deputy Director, ASD, or designee, is responsible for keeping the handbook current.

54080.8 Emergency Food Supply

Each institution shall maintain sufficient quantities of non-perishable food items, such as canned corned beef hash, canned stew, or pork and beans, to serve at least eight meals to the inmate population in case of an emergency. The emergency food supply shall be maintained separate from general supplies and will be rotated into the next quarter menu, every 90 days.

54080.9 Automated Food Manager Program/Food Management System

The AFMP/FMS is the CDC-approved personal computer program for institutions, replacing manual and in-house automated systems. The AFMP/FMS shall be used to generate all reports using the Inventory Control, Recipe Production, and Menu Planner functions.

54080.9.1 Quarterly Food/Dietary Food Ration Cost Analysis, and Group Food Breakdown Reports

Each institution's quarterly food ration (Exhibit "A"), and quarterly dietary food ration (Exhibit "B"), and cost analysis shall be generated from the AFMP/FMS in the office of the CFM and forwarded to the DFA within 30 working days after completion of the quarter. Additionally, one copy of the analysis shall be maintained on file in the CFM's office and one copy provided to the Associate Warden, Business Services. The analysis reflects the ration for either male or female inmates. Those facilities housing female inmates shall use the ration for women and those housing male inmates shall use the ration for men.

54080.10 Menus

The departmentwide standardized menus shall be provided semi-annually by the DFA to develop the institution menus.

The institution menus shall reflect the departmentwide standardized menus in like food served, quantity, portion, size, color, flavor, and nutritional value.

Institution menus shall be generated in the office of the CFM at least one week in advance and posted in locations accessible to staff and inmates. Any menu changes or substitutions shall be of equal value and shall be annotated in red ink on the menu "as served." Copies of the menus are to be maintained by the DFA for two years.

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, they shall:

- Immediately notify the CFM or supervising cook.
- Request that the item be immediately checked and appropriate action taken.
- Complete the Meal Sample Report form.

54080.11.1 Meal Sample Report

All meal sample report forms shall be generated from the AFMP/FMS and completed by the individual designated to sample the meal. A report shall be completed for each meal served and submitted to the CFM and Associate Warden, Business Services. The report shall include:

- Date items sampled.
- Copy of menu for the meal.
- Description of replacement items, if applicable.
- Signature of sampling employee.

54080.11.2 Retention of Meal 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.

At the serving of each meal, a tray with a minimum of two ounces of each food item offered shall be prepared, covered with plastic or aluminum wrap, dated, and stored in a specified section of a secure refrigerator where it shall be retained for a 72-hour period. 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 DHS.

54080.12 Pork/Pork Derivatives

The CDC shall identify all inmate menu items containing pork and/or pork derivatives for the benefit of those inmates desiring a pork-free diet. Institution food services staff shall implement and enforce the following:

- When preparing weekly menus, all food items containing pork, or prepared or seasoned with pork derivatives, shall be identified with a "P." If there is uncertainty as to whether an item contains pork, it shall be identified with an asterisk. Menus shall be prominently displayed in the dining room.
- Weekly menus shall be distributed to inmates in segregated housing units who request them.
- Food services staff shall not, in one day, schedule two meals in succession with the main protein dish containing, or prepared or seasoned with, pork or pork derivatives.
- Whenever the posted meal offers only one fresh or canned vegetable, pork or pork derivatives shall not be used as a cooking or seasoning agent unless a non-pork seasoned version of the vegetable is provided.
- For accurate identification of food items on posted menus, food services staff shall institute and enforce procedures in the institution kitchen to prevent accidental mixing of pork and non-pork food products. Such procedures shall include, but not be limited to:
    - When "stock pots" are used, reasonable precaution shall be taken to ensure that these pots are thoroughly cleaned after containing pork or pork derivatives.
    - When shortening/lard is used, every reasonable effort shall be made to determine if the shortening/lard contains pork. If pork is present, or may be present, the finished product shall be identified with a "P" on the weekly menu, as indicated above.
    - The labeling of all prepackaged foods shall be read by food service staff and if any reference to the use of pork is made, food items shall be marked appropriately.

54080.13 Special Foods for Religious Ceremonies

Authorized inmate religious groups shall not be permitted more than two events per year where special foods with religious significance are provided to them by the institution in place of the regularly planned meal. The value of such meal shall not exceed that of the regularly planned meal.

At least four weeks prior to the event, the official sponsor of the approved religious group must submit a special food request to the institution head, or designee, which includes the following:

- Proposed menu.
- Specific ceremonial foods.
- Number of persons to be served.

54080.14 Religious Diets

Each institution/facility shall make reasonable efforts, as required by law, to accommodate those inmates who have been verified to require special religious diets.

Any inmate who claims to require a special religious diet shall be responsible for informing their institution's Chaplain or religious representative of their faith. The Chaplain or religious representative shall:

- Verify the inmate's religious dietary needs by contacting the religious organization to which the inmate claims to be an observant member.
- Maintain and provide the CFM with a list of those inmates who have been verified to require a religious diet.
- Coordinate with the CFM to determine which dining area will provide the inmate his diet meal.
- Provide to the CFM a religious diet card for each inmate.
- Update the list identifying inmate religious diets every 30 days.

Any religious organization may contract with CDC to provide their inmate members with religious diets provided that such a contract shall not result in any additional costs to CDC.

Inmates with special religious dietary needs may be transferred to another institution/facility that is able to accommodate their requirement.

Inmates with dietary needs that prohibit them from consuming any item from the daily scheduled meal may be provided another item from the same day's scheduled meal that is consistent with their dietary need.

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 $0.85, 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 $0.85, plus sales tax per meal, per guest. Funds collected in excess of $0.85, 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 $0.85 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/facility and shall reflect the actual cost of serving an average meal. When changes are made to the established rates, the DFA shall be notified (Board of Control Rule 686).

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 CDC, 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 CDC 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

All food service workers; i.e., supervising correctional cooks, correctional bakers, correctional butcher/meat cutters shall wear the CDC-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 Levis.
- SHIRTS: tan, equivalent to Big Mac or Levis with the CDC patch over the left breast pocket.
- CAPS: brown and tan, baseball type, to match clothing, with the CDC patch and the employee classification rocker arm above/atop the patch.
- JACKETS: gold color, supervising correctional cook Is, correctional cooks, correctional bakers, correctional butchers/meat cutters, and vocational instructors (meat cutting and baking); sand color, supervising correctional cook IIs.

Employees shall report to their assigned area in clean uniforms which are in good condition.

54080.17 Inmate Smocks

Each inmate food handler shall be provided a clean white smock and other appropriate clothing. Such garments will be maintained in the food service area and stored in a sanitary manner separate from personal clothing.

54080.18 Sanitation Standards

Sanitation standards are based on the United States Public Health Service Standards and the Food and Drug Administration Codes. Standards for sanitation, food storage, preparation, and serving of food shall meet the requirements set forth in the H&SC, Section 28520, the ACA Standards for Adult Correctional Institutions, and CDC food service policy. The CFM is responsible for ensuring compliance with all standards at their respective institutions/facilities.

54080.18.1 Sanitation Inspection

An inspection of the food service area of each institution/facility shall be performed at least every year by a state-registered sanitarian with the local environmental health section of the DHS. Administrative audits may be conducted throughout the year at various institution locations on a rotating basis.

Institution Head or Designee

The institution head, or designee, shall inspect the kitchens at least once each month, record the findings on an institutional inspection report form, and keep the report on file for inspection by the DFA or state sanitarian.

Correctional Food Managers

The CFM shall prepare a weekly sanitary inspection report using the institutional inspection form. This report shall be kept on file at the institution for a minimum of two years.

Additional inspections of the food service area shall be performed by institutional staff as often as necessary to enforce food service standards.

54080.19 Food Service Training

The CFM is responsible to ensure that an adequate food service employee training program is in effect, and that all food service personnel participate in the required training.

Methods of training shall include verbal and written instruction and demonstration, and shall include technical and safety instruction regarding inmate food service worker responsibilities.

Hazardous materials training shall be provided to all food service staff to ensure the safe handling of hazardous materials. The institution fire department is responsible for providing training to all food service staff including inmate workers. Food service staff shall understand the hazardous properties of the chemicals with which they will be working. The CFM shall maintain Material Safety Data Sheets in all areas where chemicals are used.

54080.20 Health and Safety law and Regulations

A Hazard Analysis Critical Control Point program shall be developed to ensure food safety procedures are in place. The Critical Control Points shall be identified in the program. The CFM shall contact the State Environmental Health Agency to acquire the appropriate training.

Food handlers (staff and inmate) shall be instructed on the importance of sanitation and cleanliness in the hygienic preparation and service of food. Food handlers shall have clean hands and fingernails, wear hairnets or caps which entirely cover their hair, wear clean garments, be in good health, and follow hygienic food handling practices. A medical clearance shall be required prior to placement in a food handling assignment.

Food service correctional officers and correctional cooks shall hold daily inspections of all workers handling food for cleanliness, open sores, proper clothing, hair nets (covers) or any condition that may contaminate the food.

Inmates found to have open sores or other conditions that may contaminate food shall be referred to the facility's health care services staff for examination. Medical clearance shall be obtained prior to their return to work.

All food handlers shall be instructed on the importance of proper hand washing. Hand washing signs shall be posted in all food service restrooms.

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 Manager's Handbook 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 Deputy Director, ASD, or designee, shall revise this section as needed.

54080.23 References

PC § 2084.

H&SC §§ 113700 through 113733.

CCR (15)(3) §§ 3050, 3051, 3052, 3053, 3054 and 3055.

ACA Standards, §§ 3-4151 through 3-4154 and 3-4254 through 3-4294.

Board of Control Rule 686.

CDC Food Service Handbook.

Food and Nutrition Board of the National Academy of Sciences recommended dietary allowances.

Department of Health Services and Industrial Safety Standards.

U.S. Public Health Standards.

FDA Codes.

ARTICLE 52 — INMATE CLOTHING AND LAUNDRY EXCHANGE SERVICES

Effective January 8, 1990

54090.1 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.

54090.2 Purpose

This section establishes the procedure for the issue, exchange, replacement, and laundry of clothing and linen.

54090.3 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.

54090.4 Male Reception Center Clothing

Male inmates being processed upon reception to the Department shall be issued quantities of clothing in accordance with items detailed in DOM 54090.6. 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.

54090.4.1 Female Reception Center Clothing

Female reception center inmates shall be issued quantities of clothing in accordance with the items detailed in DOM 54090.6.1. 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.

54090.4.2 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.

54090.5 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.

54090.5.1 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.

54090.5.2 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).

54090.5.3 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.

54090.5.4 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.

54090.5.5 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 54090.6) shall not apply to specially altered clothing.

54090.6 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.

54090.6.1 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.

54090.6.2 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.

54090.7 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.

54090.7.1 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.

54090.7.2 Initial Clothing Issue ("Fish" Bundle)

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 54090.6.

54090.7.3 New Arrivals - Female Inmates

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 54090.6.1 that was not received during reception processing.

54090.8 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.

54090.9 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.

54090.9.1 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.

54090.9.2 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.

54090.9.3 Mattress Exchange

All mattresses shall meet construction and flammability standards established for PIA products. Damaged or worn out mattresses shall be taken to the designated location during established hours of exchange. The Associate Warden, Business Services, or designee shall establish the schedule and locations for the exchange. Unit/program staff shall inspect all mattresses periodically for replacement.

54090.9.4 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.

54090.9.5 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.

54090.9.6 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.

54090.9.7 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.

54090.9.8 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.

54090.10 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-issue property shall result in a CDC Form 115, Rules Violation Report, being submitted.

54090.11 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.

54090.12 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.

54090.13 Revisions

The Deputy Director, Institutions Division, or designee shall ensure that the contents of this section are current.

54090.14 References

PC §§ 2084, 5054, and 5058.

CCR (15) (3) §§ 3011, 3030 - 3033.

ACA Standards 2-4260 - 2-4267.

ARTICLE 53 — INMATE/PAROLEE APPEALS

Revised April 14, 1995

54100.1 Policy

The Department shall ensure departmental appeal forms and forms prescribed by the BPT, the NAEA, and the PIA for appeal decisions, actions, or policies within their jurisdiction, are readily available to all inmates and parolees.

54100.2 Purpose

The purpose of this section is to:

- Provide a vehicle for review of departmental policies, procedures, practices, conditions, incidents, and actions which may adversely affect an inmate's or parolee's welfare, status, and program.
- Provide for the resolution of grievances at the lowest possible level with timely responses to the appellant.
- Provide for the resolution of requests for reasonable modification or accommodation submitted by eligible inmates/paroles with disabilities pursuant to the ADA.
- Afford the successful grievant a meaningful remedy focused on correcting the problem.
- Provide an avenue for the exhaustion of administrative remedies prior to advancing to the courts.
- Audit the internal processes and operation of the Department to identify, modify, or eliminate practices which may not be necessary or may impede the accomplishment of correctional goals.

54100.3 Responsibility

Each Warden and RPA shall implement the appeal procedure and shall ensure it operates with specified policies as set forth herein.

- At least one staff member, at not less than a CC-II, shall be designated as the appeals coordinator in each institution; and in paroles, one staff member of not less than PA-II shall be designated as the appeals coordinator in each parole region.
- The appeals coordinator shall process all appeals, monitor the system, prepare the quarterly appeals report, recommend corrective action where indicated, and work with the IST officer to see that training on the appeals procedure is carried out.
- The Appeals Coordinator's Office shall receive, log, route, and monitor disposition of CDC Form 1824, Reasonable Modification or Accommodation Request. A copy of CDC Form 1824 shall be forwarded to the facility ADA Coordinator.
- Each inmate upon arrival to an institution shall be provided a copy of the appeal procedure. Each inmate prior to being released to parole shall be provided with a copy of CDC Form 1570, Guidelines for Parole, which contains notice of appeal rights and the procedures for filing an appeal. Each parole 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.

54100.4 Right to Administrative Review

Any inmate, parolee, or outpatient under the jurisdiction of the Department has the right to appeal any decision, action, condition, policy, or regulation of the Department, that they can demonstrate as having an adverse effect on their welfare.

The administrative review process for inmate/parolee requests for reasonable modification or accommodation, or for grievances filed pursuant to the ADA shall be processed in accordance with DOM 54100.32.

In order to afford a timely review, the formal appeal shall be filed within 15 days of the action or decision being appealed. The acceptance of an appeal request beyond the 15-day policy is at the discretion of the appeals coordinator.

The Warden, RPA, or designee, may delay for up to 90 calendar days the implementation or process of implementing a granted appeal when such delay will pose no threat to institution security, the safety of persons, or other serious operational problems.

No reprisals shall be taken for the good faith use of or responsible participation in the appeal procedure. A complaint that a reprisal has occurred may be pursued through the appeal procedure. If, after investigation, it is determined that a formal reprisal has occurred, the staff member(s) involved shall be subject to adverse action.

54100.5 Exclusions

The CDC Form 602, Inmate/Parolee Appeal Form, shall not be utilized in the following appeal categories:

- BPT. (See CCR (15) (2) 2050, Appeals, BPT Regulations [except as specified in DOM 54100.20].)
- NAEA. (See CCR (15) (5) 5400, Appeals, NAEA Regulations.)
- Health and Safety grievances (PIA). (See DOM 54100.29.)
- Initial requests or grievances filed by inmates/parolees with disabilities pursuant to the ADA. Refer to DOM 54100.32.

54100.6 Appeal Preparation

Appeal forms and forms prescribed by the BPT, NAEA, and the PIA shall be available to all inmates, including inmates in reentry programs, and parolees. The inmate, with assistance if needed, shall complete one copy of the CDC Form 602, attach all relevant documents and forward them, open or sealed, to the appeals coordinator. Parolees shall mail or deliver the CDC Form 602 to the appeal coordinator's office. Relevant documents include classification and custody chronos, time card copies, canteen and property inventory sheets, completed CDC Form 115, Rules Violation Report, and supplemental and investigation reports.

A qualified inmate/parolee with a disability who is requesting modification or accommodation pursuant to the ADA or who has a grievance based on a disability shall follow the procedures in DOM 54100.32.

The CDC Form 602 provides a system of accountability at each level of review. When the appeal material is submitted without the CDC Form 602, the appeals coordinator shall return it to the inmate or parolee with instructions to fill out and sign the CDC Form 602 and resubmit the appeal for processing.

Another inmate or parolee, staff member, family member or other interested party, or the inmate/parolee's attorney may assist the inmate or parolee in completing the appeal form before submission at each level or review. However, the appellant shall sign, date, and submit the document at each step in the process.

An inmate or parolee shall not submit an appeal on behalf of another inmate or parolee.

The appeal shall not be accepted at third or Director's level for review without first having been reviewed at second level. An exception to this policy is described in DOM 54100.20, Disciplinary and Parole Recession Hearings Appeals and DOM 54100.31, Psychiatric Transfer Appeals.

54100.7 Appeal Procedure Abuse

The appeals coordinator shall have the discretion to take the following actions when it has been determined that the procedure is being subjected to abuse:

- If an inmate/parolee submits more than two appeals within a seven day period, thereby overloading the system, and threatening the orderly and timely processing of appeals, the first two appeals shall be accepted, the others logged and set aside. The appeals coordinator shall consult with the Chief, Inmate Appeals Branch to determine if a Notice of Restriction to the inmate shall be prepared. The appeals that were set aside shall be processed as time permits depending on the individual inmate or parolee appeal activity.
- Knowingly making false statements may result in the appeal being rejected.
- Appeals containing grossly derogatory, slanderous, or obscene statements shall be rejected.
- If the nature of the appeal problem and action requested is not understood or is obscured due to voluminous description of the problem, the appeal shall be screened out using reason #5 on CDC Form 695 instructing the appellant to more clearly state the grievance using one additional page as directed in CDC Form 602 instructions.
- If an inmate filing an appeal refuses to be interviewed or comply with the instructions, the appeals coordinator shall reject the appeal noting the behavior on the appeal form and returning it to the sender.

54100.8 Appeal Screening

The appeals coordinator or a delegated staff member shall screen all appeals prior to acceptance and assignment for review. This decision should not be construed in any manner that would place unreasonable restraints on the inmate/parolee's right to appeal. When it is determined that an appeal will not be accepted for review, an appeals screening CDC Form 695 shall be completed, attached to the CDC Form 602 and returned to the inmate or parolee. Clear instructions of information needed or appeal route to be taken shall be stated.

54100.8.1 Reasons for Rejection

A decision may be made to refuse acceptance of any given appeal for the following specific reasons:

- The action or decision being appealed is not within the jurisdiction of the Department.
- The inmate or parolee has submitted a duplicate appeal on an action or decision currently under appeal review at any level, or on which the appeal action has been previously completed.
- The inmate or parolee is appealing an anticipated action or decision.
- The inmate or parolee has not attempted to resolve the problem informally prior to filing the formal appeal and the appeals coordinator has determined that the inmate or parolee can and should do so.
- The CDC Form 602 has not been adequately completed or the needed documents have not been attached. Caution shall be exercised 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 difficulty, a personal interview with the appellant shall be directed by the coordinator to assist them in filing the appeal. (Refer to DOM 54100.6 for clarification of the document attachment needs.)
- There has been too great a time lapse between when the action or decision occurred and when the appeal was submitted. The appeals coordinator shall be guided by DOM 54100.5 and, in addition, ensure that the inmate or parolee had, in fact, the opportunity to file in a timely manner.
- When a group of inmates has collectively initiated individual appeals on the same issue, thereby placing a burden on the appeals system. (See DOM 54100.10, Multiple Appeals on a Similar Issue.)
- An inmate or parolee has appealed on behalf of another inmate or parolee.

54100.8.2 Screened Out Appeals

The screened out appeal shall be returned to the inmate/parolee, noting the date of the transaction with a number keyed (one through eight on the screen-out form) to the reason for the action for future identification purposes.

- The screening out decision shall be tabulated for the quarterly appeals report. The tabulated number shall be inserted in "Appeals Screened Out" space on form.

54100.9 Appeal Tracking

Each appeals coordinator shall use the automated Inmate Appeals Tracking System (IATS) that assigns a log number to each appeal received. In addition to the assigned number, the IATS shall contain the name and number of the inmate or parolee filing the appeal, date received, level of review, name of person designated as the reviewer, due date, date of written notification to inmate/parolee on late response, date completed at each level of review, and decision reached.

At each level of review, the due date is automatically calculated at the time the appeal is received. Appeals shall be assigned within five working days of receipt from the inmate/parolee. The date of receipt shall be recorded each time the appeal is received by the appeals coordinator. This recording shall be officially entered into the IATS.

Inmate/Parolee Reasonable Modification or Accommodation Request forms shall be logged and tracked in the Appeals Coordinator’s Office as a first level appeal, in sequence with other first level appeals.

54100.10 Multiple Appeals on a Similar Issue

In cases where a number of inmates have, independently of each other, filed appeals regarding similar policies or institutional regulations at the same time, the original appellant and one or more of the inmates concerned shall be interviewed in order to clarify the issue, and a response given to the inmate who filed the initial appeal. Copies of the decision shall be sent to the other inmates who filed appeals simultaneously regarding the same issue, which shall constitute a completed appeal action. All such appeals shall be logged. The original inmate's name and prison number shall be removed from the appeal response given to the other inmates.

54100.10.1 Class Action

Occasionally a group of inmates, usually living in one housing unit or participating in one program area, decide to appeal a specific issue that affects all group members (class action). In this situation, one CDC Form 602 shall be prepared, with the name of the inmate who prepared the appeal entered on the top of the form. A list of inmate signatures, with institution numbers and unit numbers, shall then be attached. Sufficient interviews (one or more) shall be held to clarify the issue under appeal. At each level of review, a response shall be attached to the CDC Form 602 and returned to the initiator who shall then share the response with all inmates who signed the appeal attachment. If the inmate whose name is on the CDC Form 602 leaves the unit or program prior to the completion of the appeal action at all levels, the response shall be addressed to the first or next name on the attached inmate list, who shall then share the appeal response with the other group members. This appeal shall be logged as one appeal.

54100.11 Levels of Review

The appeal procedure shall consist of four levels of review (one informal and three formal); the informal and first two formal levels are reviewed at the institution or parole region, with the third level review at the Director's level. The Director's decision shall be final and exhausts all administrative remedies available in the Department. However, appeal decisions of disciplinary credit loss, citizen's complaints, loss of property, and complaints against staff may be administratively appealed to BPT, SPB, or the BOC. For each level of review, the inmate or parolee shall submit the original CDC Form 602 along with all addendum material and an explanation stating, in detail, the reason(s) for his or her dissatisfaction.

The appeal procedures for grievances or requests for reasonable modification or accommodation filed by qualified inmates/parolees with disabilities filed pursuant to the ADA, shall consist of three formal levels of review. Refer to DOM 54100.32.

54100.11.1 Informal Review

Before an appeal shall be accepted for formal processing, the inmate/parolee shall make every effort to informally solve the problem with the appropriate staff member. The inmate/parolee shall describe the problem and action requested, in writing, on CDC Form 602, A and B. The effort to informally solve the problem shall be confirmed on the CDC Form 602 in the space provided for staff action and signature, Section C, Informal Level. Staff shall complete the informal response within five working days of the date the inmate presented the appeal. This problem saving step shall not be required in order to appeal:

- Classification committee actions.
- Serious disciplinary infractions.
- CSR actions.
- Departmental regulations, policies, or operational procedures.
- Exceptional circumstances defined in CCR (15) 3084.7.
- Requests for reasonable modification or accommodation submitted by eligible inmates/parolees with disabilities. Refer to DOM 54100.32.

The informal level shall be bypassed when it is determined by the appeals coordinator that the inmate cannot reasonably obtain a proper informal response to the problem cited.

54100.11.2 First Formal Level

The first formal level of review is designed to provide for the resolution of the problem at the lowest possible level. In the institution, the appeals coordinator shall determine the nature of the problem and assign the appeal to the appropriate division head or supervisor. In the parole division, the regional appeals coordinator shall determine the nature of the problem and assign the appeal to the appropriate supervisor or administrator. The appeal issue shall be investigated and a response prepared for the division head's review and signed approval. The appellant shall be interviewed as part of the investigation process. The appeals coordinator may bypass the first level of review if the appeal issue cannot be resolved at the division head's level.

Decisions rendered on CDC Form 1824, shall constitute the first formal level of review in processing grievances filed pursuant to the provisions of the ADA. Refer to DOM 54100.32.

54100.11.3 Second Level

If the Warden or RPA was directly involved in the decision or action being appealed, and the first level review has therefore been bypassed, the inmate or parolee shall be interviewed at the second level and the action or decision reevaluated. The decision or action and reasons for the conclusion shall be stated on the CDC Form 602, and signed by the Warden, RPA, or designee.

54100.11.4 Referral for Final Review (Third Level)

If the appeal concerns an institution or parole regional policy, regulation, or procedure, the appeals coordinator may elect to bypass the first level of review. If the appeal concerns a departmental policy, CCR, or procedure, the first level of review may be bypassed, and the second level review shall then include an interview with the inmate or parolee, and a written evaluation and recommendation, with instructions to the inmate to refer the appeal to the Director for a final review.

54100.12 Fixed Time Limits

Appeal responses shall be made within fixed time limits at each level of review.

- Excluding third level reviews, if exceptional delays prevent closure within the specified time limits, the inmate or parolee shall be informed, in writing, of the reasons for the delay and given an estimated completion date.
- First level review shall be processed and returned to the inmate or parolee within thirty working days of receipt. Second level reviews shall be processed and returned to the inmate or parolee within twenty working days of receipt, or thirty working days if the first level is waived by the Appeals Coordinator. Third level reviews shall be processed and returned within sixty working days of receipt.
- The inmate or parolee shall record his or her dissatisfaction on the CDC Form 602 in the appropriate space, and return the entire appeal package to the appeals coordinator within 15 normal staff working days. This time constraint is activated at each level of review.
- Appeal processing time constraints may be suspended temporarily by the Warden when the institution is under a state of emergency as defined by CCR (15) 3383. Upon termination of this state of emergency, the appeal processing time frames shall be resumed, and that information shall be noted in the CDC Form 602 appeal response (Fed. St. 40.7[e]).
- Logistics prevent personal hand-to-hand delivery of appeal packages by appeals coordinators. Consequently, mailing systems must be utilized. Third level decisions must utilize the USPS. Due to the above realities the requirement of a maximum 150 calendar days processing time has been set. Exceptions are those cases that contain exceptional delays and emergency appeal situations. (See DOM 54100.17).

54100.13 Referral for Review

After logging the appeal, the appeals coordinator shall assign the appeal to the appropriate supervisory staff member for first or second level review. The first level decision shall be reviewed and signed by the appropriate division/department head. The second level decision shall be reviewed and signed by the Warden, RPA, or designee.

An appeal shall not be referred to any staff member for action as an appeal reviewer who participated in the action, decision, or determination being appealed, but to another appropriate person at the same or next higher level. This does not preclude the Warden or RPA who participated in the action or decision being appealed from reevaluating and changing or modifying that action or decision at the second level of review.

54100.14 Interviews

Because many people have difficulty in expressing themselves in writing, a face-to-face interview with the inmate or parolee shall be conducted at the first level of review. Additional interviews shall be conducted at the second and third levels when it is necessary to obtain additional data or to clarify the appeal issue. If the first level is bypassed or an interview is not held, the interview shall be conducted at the second level of review, and noted in the second level written response.

- In paroles and in a camp setting, geographic distance may make it impossible to schedule a face-to-face interview within the appeal time constraints. Within this context, an interview with the inmate or parolee by telephone shall be an acceptable substitute.
- In rare instances (such as out-of-state) where the inmate or parolee cannot be contacted in person or by telephone, a probation or parole officer of that jurisdiction shall be requested to complete the interview and submit a report to the reviewer.
- At the first or second level, the interview requirement may be waived when, following a review of the information on CDC Form 602, the reviewer has decided to grant the inmate or parolee's request and implement that decision. The decision to waive the interview shall be documented as a part of the reviewer's written response.

54100.15 Written Response

Each reviewer shall prepare a written response that speaks of the appeal issue and the reasons for the specific appeal decision being rendered. If the appeal reviewer refers the inmate to an institution classification committee or subcommittee to review the appeal issue, this referral constitutes a partial granting of the appeal at that level. If the inmate is dissatisfied with the decision reached by the classification committee, the appeal may then be referred by the inmate to the next level for review.

54100.16 Appeal Processing Responsibilities Involving Two Departmental Regions/Institutions

When an inmate or parolee has filed an appeal at one institution or parole region, and is transferred prior to the appeal being completed at the first level of review, the sending region/institution shall complete the first level review, and the receiving region/institution shall complete the second level review.

When an inmate or parolee has been transferred and files an appeal at the receiving institution or parole region on an action taken by the sending region/institution, the sending institution or parole region shall provide the first level review, and the receiving region/institution shall provide the second level review.

When an inmate has been transferred and is appealing a disciplinary action, the first and second level reviews shall be conducted by the staff at the institution where the infraction took place. An interview with the inmate may be waived if the appeals coordinator decides that it would not add additional facts in a particular case. If necessary, the interview may be handled by telephone.

- Appeals on actions taken at a reentry/work furlough facility shall be handled by the parole region responsible for the management of the facility, regardless of an emergency transfer to 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.

54100.17 Emergency Appeals

An emergency appeal is defined as an urgent matter wherein disposition according to the regular time limits would subject the inmate/parolee to a substantial risk of personal injury, or cause other serious and irreparable harm to the inmate/parolee. Examples include but are not limited to:

- Need for protective custody.
- Decision was made to transfer the inmate to an institution housing a known identified enemy.
- The inmate was scheduled for parole within 15 days and is appealing a serious disciplinary action resulting in credit loss extending the release date.
- An appeal categorized as a citizen's complaint pursuant to CCR (15) 3084.7(j) is filed two to three years after the alleged incident.

The inmate/parolee shall substantiate in writing the need for emergency handling of the appeal and send it directly to the appeals coordinator, who in turn shall determine whether an emergency exists and so inform the inmate/parolee. If not accepted as an emergency appeal, the appeal shall be accepted for regular formal processing.

- When accepted as an emergency appeal, the appeals coordinator or designee shall interview the inmate/parolee and a second level response shall be completed within five working days. Informal and/or first level reviews shall be bypassed.
- If the inmate requests a Director's level review, the appeals coordinator shall transmit the appeal by FAX to: Attention: Chief, Inmate Appeals Branch. The Director's decision shall be based on a review of the written data submitted, and shall be completed within five working days of receipt.

54100.18 Disciplinary Appeal Procedure

The disciplinary finding, disposition, or procedural steps may be appealed. Serious disciplinary actions may be appealed through the Director's level of review. **CDC Form 128-A, disciplinary chronos, and administrative CDC Form 115, Rule Violation Report, shall not be appealed beyond the second level of review**.

- The appeal review, at the first and second levels, shall not be delegated to a rank lower than the person who held or chaired the disciplinary hearing under appeal.

54100.18.1 Reviewers

The Warden may utilize the appeals coordinator as either the first or second level reviewer. If the appeals coordinator is designated as the first level reviewer, second level reviews shall be handled by a Chief Deputy Warden or the Warden. If the appeals coordinator is designated as the second level reviewer, the first level reviews may be assigned to the chief disciplinary officer or other person designated by the Warden. To expedite the review process, the appeals coordinator may decide to bypass the first level of review.

- Each disciplinary appeal submitted by an inmate/parolee shall be reviewed on the basis of conformance with the provisions of the PC, CCR (15) and DOM Chapter 6.

54100.18.2 Due Process

When it is determined that procedural or due process provisions of the above codes and manuals which govern the disciplinary process have been violated, one of the following remedies shall be considered:

- If the appeal reviewer makes a determination that the disciplinary finding was not supported by the evidence presented at the hearing, the disposition may be vacated and the charges dismissed, the disposition may be modified, or a new hearing ordered. Dismissal of the charge shall be the remedy of choice when:
  - The charge is found to be based on information subsequently determined to be false or unsubstantiated.
  - A new hearing would not likely produce any additional information.
  - 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 whose absence would prevent the accused from presenting an adequate defense.
- If the appeal reviewer determines that the inmate has received punishment disproportionate to the offense, the disposition shall be modified. Examples:
  - When an inmate has been assessed loss of work incentive credits in excess of those allowed in the credit loss schedule for the offense charged.
  - When time constraints have been violated to such an extent that the assessment of loss of work/training incentive credits is barred either by law or the CCR (15).
- If the appeal reviewer makes a determination that procedural or due process requirements were not met, the disposition may be vacated and a new hearing ordered. A new hearing shall be the remedy of choice when:
  - The accused did not receive a copy of the charge and all other nonconfidential reports at least 24 hours prior to convening the disciplinary hearing.
  - The charge was based on confidential information and the accused was not provided sufficient information, preferably a synopsis where possible, on which to base a defense.
  - When utilizing confidential information, the disciplinary hearing officer or committee has failed to make a finding concerning the reliability of the source and the validity of the information.
  - The disciplinary hearing officer or committee failed to specify 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 reasons why time constraints were not met.
  - The accused was denied witnesses who would have contributed significant information at the disciplinary hearing, or where security was an issue, denied admission of witnesses statements.
  - The accused was denied the right to speak or present documentation in their own defense.
  - The accused was not able to fully participate in the hearing process due to literacy/medical reasons, and was not assigned a staff assistant or language interpreter.
  - When an investigative employee (IE) was not assigned per CCR (15) 3318(a) or the IE did not properly carry out their duties, and it appears that such an investigation would have been of assistance to the accused or the hearing officer or committee.
- When disciplinary findings are dismissed or modified by appeal, the appeal coordinator shall direct that the CDC Form 115 be removed from the inmate's C-File or that the changes as mandated by the appeal decision be made and appropriate annotations entered on file documents.
- Following the appeal review, in every instance where the procedural or due process requirements were not met, the staff member(s) involved shall be notified by the appeals coordinator in order to minimize future procedural errors of a similar nature. Notification shall consist of a copy of the action being sent to appropriate staff.

54100.18.3 Rehearing

A decision to order the rehearing of disciplinary charge acts to void all prior dispositions concerning the CDC Form 115 being appealed. The CDC Form 115 shall be rewritten and processed as a new CDC Form 115.

54100.18.3.1 Time Limits

Time limits for holding a rehearing shall conform to those specified in the CCR (15) 3320 for processing the original charge.

54100.18.3.2 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 hand-delivered to staff responsible for conducting the rehearing.

54100.18.3.3 C&PR

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 CDC Form 115.
- 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. For other detailed options of conducting disciplinary hearings/rehearings on transferred inmates, refer to CCR (15) 3320.1.

54100.19 Civil Addict Exclusionary Review Appeals

Exclusion is the process by which an incarcerated civil addict/releasee is returned to the court of original jurisdiction with a recommendation to vacate the civil commitment because of the individual's unsuitability for the civil addict program.

- Unsuitability is based on staff judgment that an incarcerated civil addict/releasee is not amenable to supervision, has not or is not available for supervision, and/or has a history of absconding.
- The documented staff judgment, including reasons, rationale, and conclusions reached, shall be provided to an incarcerated civil addict/releasee prior to forwarding to the committing court.

- The incarcerated civil addict/releasee may submit an appeal seeking retention in the civil addict program. All prepared documentation shall be held for 15 calendar days to afford the individual time to appeal.
- If an appeal is not received by the end of the 15th calendar day, all prepared documentation shall be forwarded to the committing court.
- A civil addict releasee who is being recommended for exclusion based on a commitment to prison, deportation, or releasee-at-large may not appeal the Department's action.

54100.19.1 Civil Addict Appeal

The incarcerated civil addict/releasee shall file their appeal utilizing the CDC Form 602 within 15 calendar days of receiving written notice (CDC Form 128-G, Exclusionary Letter) of the recommendation to exclude.

- Civil addicts in the institution are notified of intention to exclude initially in unit classification committee (UCC) which automatically acts to refer the exclusionary recommendation to the institutional classification committee (ICC). The results, in both cases, (UCC, ICC) are documented on a CDC 128-G and if appealed shall act as the first level of review.
- Releasees are officially notified by receipt of a copy of the exclusionary letter.

54100.19.2 Civil Addict Institution

The CDC Form 602 appeal with attached documentation shall be forwarded by the inmate to the appeals coordinator for those incarcerated civil addicts within the institution. Upon receipt of the appeal, the appeals coordinator shall appropriately enter the appeal into the IATS. The appeals coordinator shall conduct a face-to-face interview with the appellant prior to preparation of the second level review decision for the superintendent. The second level review shall be the final review.

54100.19.3 Civil Addict Releasee

Releasees shall forward the CDC Form 602 appeal with attached documents to the assistant regional appeals coordinator, who shall notify the regional case records manager that an appeal has been filed.

- The regional appeals coordinator shall log the appeal into the IATS.
- The assistant RPA shall complete the first level of review.
- The releasee, if dissatisfied with the first level decision, shall return the appeal to the regional appeals coordinator for a second and final review.
- The releasee shall receive a face-to-face interview by either the first or second level reviewer. However, an interview shall not be required if the decision is made to grant the individual's request.

The time constraints for submitting and completing the second level review for civil addicts are outlined in DOM 54100.12.

- The time constraints for completing the releasee appeals are altered from those outlined in DOM 54100.12.
  - The assistant Regional Administrator shall complete the first level review within ten working days.
  - The Regional Administrator shall complete the second level review within 15 working days.

Provisions for extraordinary circumstance delays are outlined in DOM 54100.12.

54100.20 Disciplinary and Parole Rescission Hearing Appeal Procedure

Those inmates for whom a combined disciplinary and parole rescission hearing has been conducted may appeal the results of the combined hearing, including the disciplinary finding of fact or disposition, the parole rescission decision, or the denial of attorney representation by filing a CDC Form 602 within 15 working days from date of action and sending it to the institution appeals coordinator. There shall be no first or second level review. The appeal shall be logged and the completed CDC Form 115, incident report and investigative employee's report, along with any recommendations, shall be attached and sent to the departmental Chief, Inmate Appeals Unit for processing. The Central Office staff shall have 20 working days in which to respond.

- The Inmate Appeals Branch shall coordinate the investigation and submit a recommendation to the Director and to the Chairman of the BPT for a decision.
- Upon receiving the combined response from the Director and the Chairman of the BPT, the inmate may further appeal the loss of behavior or participation credits, as a separate issue, to the BPT through their appeal procedure (CCR (15) 3325(c).

54100.21 Transfer Appeals

Inmates may appeal staff decisions, made at any level related to transfers. The filing of an appeal by the inmate shall not routinely stay or delay the pending transfer.

54100.21.1 Reception Center Transfer Appeal

The reception center associate Warden, after examining an appeal, may retain the inmate at the reception center while the case is being presented to another CSR. If the second CSR does not resolve the issue and retention of the inmate at the reception center is warranted in the opinion of the Warden, as a second level review, the matter shall be referred to the Departmental Review Board for resolution per DOM Chapter 60000. The appeal shall have the CSR's chrono attached.

54100.21.2 Regular Transfer Appeals

Regular transfer appeals shall be submitted directly to the Warden for review. The Warden may deny the appeal or may recommend that the appeal be granted and present the appeal to a second CSR. If the second CSR disagrees with the Warden's decision, institution staff may pursue the issue by utilizing the departmental review board process. If the appeal is denied, at the second level, the inmate may pursue the issue through the third level for finalization.

54100.22 Appeals On Property Loss or Damage

When an inmate/parolee believes that the state is solely responsible for the loss of, or damage to their personal property, they shall first attempt to resolve the matter with the departmental employee who was on duty at the time and place that the damage or loss allegedly occurred. If this informal attempt at resolution of the problem is unsuccessful, the inmate/parolee may file an appeal on CDC Form 602.

All property damage or loss arising from the same departmental staff action shall be incorporated into one appeal form. An appellant seeking reimbursement for property loss or damage shall file an appeal with the institution appeals coordinator or parole unit supervisor. The BOC will not act on any property claim unless departmental administrative remedies have first been exhausted.

54100.22.1 Time Limits

The appellant has fifteen days in which to file a property appeal. Refer to DOM 54100.12 for time limits subsequent to initial filing.

54100.22.2 First Level Review

The first level review shall consist of an examination and assessment of the damaged property or a thorough search for the lost property. All related property records shall be inspected and a complete report made of the results of that investigation, including identification of the person(s) responsible for the loss or damage of the property.

- First and second level appeals concerning damaged or lost property shall be handled at the institution/parole region where the loss occurred.
- If the property was lost during transit between institutions, the first level shall be completed by the transporting unit and the second level by the receiving facility.
    - Granted first level appeal. When a property/funds appeal is granted at the first level of review, the appellant shall be given a written response. The response shall provide instructions to the appellant to forward the appeal to the appeals coordinator and to attach: 1) the completed inmate claim form; 2) pertinent documents; and 3) the appellant's comments. Payment of funds authorization must be effected at second level or above.
    - Denied first level appeal. If the property is not recovered, or the appeal is not resolved to the appellant's satisfaction, or the recommendation is to deny the appeal, the appellant shall be given a written first level response detailing the reasons for denial. The response shall also provide instructions: 1) for referral to the appeals coordinator for second level review; 2) to attach a completed inmate claim form; 3) to attach pertinent documents; and 4) to attach appellant's comments.

54100.22.3 Second Level Review

The second level review shall consist of an evaluation of the first level's investigation and search effort. The second level reviewer, if not satisfied with the first level action, shall initiate further investigation or make an alternate finding on the matter. The second level recommendation requires signature by the Warden, regional parole administrator, or designee.

54100.22.3.1 Granted Appeal

If the second level decision is to grant the appeal, the appellant shall be given a written response.

- Second level shall evaluate the recommended reimbursement to determine that the assessed value of the lost or damaged property is appropriate.
- An attempt shall be made to use local resources to substitute for or replace the lost property at no cost to the state, i.e., through issue of confiscated or donated property or by repair at institution expense. An inmate refusal to accept a reasonable substitute may be sufficient cause to deny the appeal.
- If the decision is to reimburse the appellant, the response shall include the amount recommended for reimbursement. Without exception, the claimed value shall not exceed any limits imposed by the institution's inmate property procedure. The appellant shall be informed that, if he or she is not satisfied with the decision, the appeal may be submitted for Director's level review, and shall be instructed as to how to file the third level appeal.
- The Warden may approve and pay an inmate claim for $100 or less from current institution allocations. The facility where the loss took place shall settle the claim. If the loss or damage took place during transit, the institution of reception shall settle the claim. A copy of all granted property claims during transit shall be forwarded to the Deputy Director, Institutions Division, for corrective action if warranted.
- RPAs may approve claims for $100 or less for payment by the Central Office accounting office.
- Granted second level appeals exceeding $100 shall require third level review and BOC approval prior to payment from institution or P&CSD allocations.
    - Wardens with third level recommendation and BOC approval may authorize payment of inmate property claims over $100 and up to $200 from institution allocations.
    - RPAs with third level recommendation and BOC approval, may authorize the Central Office accounting office to settle reentry and parolee property claims over $100 and up to $200 from P&CSD allocation.
    - All claims granted at the second level over $200 shall be forwarded by the institution to the third level for review. If approved, the claim shall be forwarded to the BOC for payment.
- Distribution of completed second level property appeals for $100 or less:
    - Original to appellant.
    - Copy to institution or parole region appeals coordinator.
    - Copy to institution accounting office (inmate cases).
    - Copy to Central Office accounting officer (parolee or reentry cases).
    - Copy to institution or parole region records.

54100.22.3.2 Denied Second Level Appeal

When the appeal is denied at second level, the appellant shall be given a written response detailing the reasons for denial. All documents submitted with the appeal shall be returned to the appellant. The response shall include instructions on how the appellant may appeal to the Director's level if dissatisfied with the second level decision.

54100.22.4 Third Level Review

The third level review shall include an evaluation of prior review recommendations and, if necessary, new interviews of the involved parties and witnesses, and on-site review of physical evidence, operational procedures and practices.

54100.22.4.1 Granted Third Level Appeal

If the Director's level action is to grant the appeal and allow the claim, a written response shall be prepared, attached to the appeal package, and returned to the appellant.

- Copies of granted appeals for claims of $100 or less shall be forwarded by the Inmate Appeals Unit to the Warden or RPA for payment as described in DOM 54100.22.3 and 54100.22.3.1. Copies shall be sent to the appeals coordinator, and to the records office for inclusion in the appellant's file.
- Copies of granted appeals for claims over $100 and up to $200 shall be forwarded by the Inmate Appeals Unit to the Warden or RPA for payment as described in DOM 54100.22.3.1. Copies shall be sent to the appeals coordinator, and to the records office for inclusion in the appellant's file.
- Copies of granted appeals for claims over $200 shall be forwarded by the Inmate Appeals Unit to the BOC. Copies shall be forwarded to the Warden or RPA for inclusion in the inmate's file, to the appeals coordinator, and to the Central Office BSS.

54100.22.4.2 Denied Third Level Appeal

If the Director's level action is to deny the claim, the written response detailing the reasons for denial and the appeal package shall be returned to the appellant. Copies shall be forwarded to the Warden or RPA for inclusion in the appellant's file, and to the appeals coordinator. In the Director's level response, the inmate or parolee shall be informed that, if dissatisfied with the third level decision, they may file a claim with the BOC.

54100.22.5 BOC Claim

Payment of BOC claims may require up to one year to complete.

54100.22.6 Payment of Inmate Claims

The limited funding authorized for departmental payment of inmate claims shall be allocated to the institutions by the Central Office Accounting Services Section in collaboration with the Institutions Division. Under no circumstance shall the allocated limits be exceeded. If an institution reached its allocated limit, it shall contact the Chief, Accounting Services, for further authorization of funds.

54100.22.7 Signed Release

GC 965 requires that prior to release of reimbursement funds to the claimant, institutions and parole regions shall obtain a signed CDC Form 813, Inmate/Parolee BOC Claim Release Form , from the claimant discharging the state from all future liability in said claim. The original shall be maintained in the institution/parole accounting office and the inmate/parolee shall be provided with a photocopy.

54100.23 Conditions of Parole

For inmates or parolees whose conditions of parole were established by the Department, reconsideration of the conditions of parole shall be submitted on a CDC Form 602 to the regional appeals coordinator of the region to which the case is assigned.

54100.23.1 Contents

Contents of the appeal:

- All appellant known citation points must be included in the same appeal.
- Specific reasons shall be stated and all necessary documents and information shall be attached to the request.
- The decision desired shall be stated.

54100.23.2 Time Limits

The appeal shall be filed at the second level of review (RPA) within 15 calendar days following receipt of the written confirmation of the decision and shall be processed per DOM 54100.12.

- The appellant, if dissatisfied with the second level of review, shall forward the appeal to third level.
- The appellant, if dissatisfied with third level of review, may then pursue the appeal per BPT Rules 2525 and 2526.

54100.24 Reentry/Parole to County of Commitment Appeals - Release

Appeals on release to county of commitment shall not be accepted until the release program study (RPS) has been returned to the institution. 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 first level review. The RPA shall conduct the second level review.

54100.24.1 Denial of Reentry Placement

Appeals on denial of reentry placement and/or assignments to specific work furlough locations shall be sent directly to the regional appeals coordinator from where the decision occurred. Institution caseworkers shall, upon receipt of all release program studies denying reentry placement, review and compare reasons for denial with 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 all reentry denial appeals by the inmate, prior to submission to the parole region. This action shall constitute the informal level review. The supervisor of the staff person who made the decision to deny placement, shall conduct the first level review. The Regional Administrator or designee shall conduct second level reviews.

54100.24.2 Third Level (Director's Level)

The appellant may, if dissatisfied, forward the appeal to third level.

54100.25 Citizens' Complaint Procedures

PC 832.5(a) requires the Department, as an employer of peace officers, to establish a procedure to investigate citizen complaints against this specific class of employee. This is in addition to established policy and procedures for handling complaints on non-peace officer staff.

54100.25.1 Definition

An inmate/parolee appeal that alleges misconduct by a departmental peace officer as defined in CCR (15) 3291(b) is considered to be a citizens' complaint. An inmate/parolee wishing to file a citizens' complaint shall utilize the existing departmental appeal procedure.

- Any person other than an inmate, parolee or Department employee who wishes to file a complaint alleging misconduct against a Department peace officer shall be advised to submit such complaint in writing to the WARDEN or RPA in charge of the location where the peace officer is employed.

54100.25.2 Investigation

Investigation of complaints alleging peace officer misconduct shall be conducted by an employee designated by the WARDEN or RPA.

- All investigations shall be conducted in accordance with inmate/parolee appeals procedures and in recognition of employee rights.
- Unless the alleged misconduct is of a criminal nature under investigation, the employee shall be notified of the complaint as soon as possible.
- Upon completion of an investigation involving non-inmate complaints, the investigative report shall be forwarded to the Warden or RPA for final review and approval.
- Inmate/parolee appeal investigative reports shall be processed in accordance with the departmental appeals procedure.

54100.25.3 Written Responses

Inmates and parolees shall receive written responses to their complaints pursuant to the departmental appeals procedure. Persons other than inmates and parolees shall receive a written response to their complaint from the appropriate WARDEN, RPA, or Chief Deputy Director (for headquarters peace officers). This response shall be completed within 30 days. When extraordinary circumstances prevent closure of an investigation within above time limits, the appellant shall be given written notification of the reasons for the delay.

54100.25.5 Retention

PC 832.5(b) requires the Department to retain citizen complaints and any related reports or findings for at least five years. Each Warden and RPA shall maintain a filing system containing copies of each citizen's complaint filed at that location during the last five years. This file shall include complaints by citizens other than the inmates/parolees and the written responses thereto as well as inmate/parolee appeals that allege peace officer misconduct.

- Records maintained pursuant to PC 832.5, Citizens' Complaints, or information obtained from such reports are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to EC 1043.

54100.25.6 Wardens' and RPAs' Annual Report

Each Warden and RPA shall prepare an annual report between January 1 and January 15 of citizens' complaints against peace officers. The report shall be submitted to the Chief, Inmate Appeals Branch.

54100.25.7 Departmental Annual Report

The Chief, Inmate Appeals Branch shall prepare an annual report of all departmental citizens' complaints against peace officers that incorporates the number of inmate/parolee complaints and those filed by other persons, to be submitted by the Chief Deputy Director to the Bureau of Criminal Statistics, State DOJ, before January 31 of each year.

- The report shall contain data indicating the number of complaints determined to be unfounded; the number sustained; and complaints identified as non-criminal, criminal (misdemeanor) or criminal (felony).

Note: Pursuant to PC 832.5(a), a written description of this procedure shall be available for dissemination to the public upon their request.

54100.26 Processing of Completed Documents - Institutions

After completing the first level review, the CDC Form 602, with the reviewer's decision, shall be returned to the appeals coordinator to be logged out, a C-File copy and appeals coordinator's copy made, and the original then returned to the inmate. The C-File copy shall be forwarded to the case records office for filing. This process shall be repeated at the second level review.

54100.26.1 Paroles

After completing the first level review, the CDC Form 602, with the reviewer's response, shall be returned to the parolee. Two copies of CDC Form 602 and response shall be forwarded to the parole region appeals coordinator; one for logging out purposes and the second to be routed to the case records office for filing in appellant's C-File. This process shall be repeated at the second level review.

54100.27 Quarterly Appeals Report

Facility and parole region appeals coordinators shall prepare a quarterly report on appeal volume, content, outcome, and operational changes as a result of appeal actions. The CDC Form 1008, Inmate/Parolee Appeals Quarterly Report and CDC Form 1009, Quarterly Appeals Report (Inmate Property), shall be submitted to the Chief, Inmate Appeals Branch, within ten working days following the end of each quarter.

The Inmate Appeals Branch shall audit this data and compile a report for distribution to departmental administrators and to the courts upon request.

54100.28 Inmate Assistance in Pre-Formal Appeal Resolution

Approval is granted by the Department to utilize the assistance of an inmate in attempting to resolve potentially formal appeal concerns prior to official filing. This approval is restricted for use in minimum custody (Level I) facilities.

- Each Warden shall have the option to establish, or to prohibit, the above process at their institution.

54100.29 Health and Safety Grievance (PIA)

Rather than using the departmental appeal procedure, inmates employed by PIA shall submit any complaint concerning perceived health or safety hazards relating to prison industries to the institutional correctional safety committee for resolution.

- When the inmate believes that retaliatory action has taken place as a result of the complaint, the inmate may file a CDC Form 602 appeal of this alleged retaliation with the institution appeals coordinator.
- The appeals coordinator shall, at each level of review, make one additional copy of the appeal with the completed response for the prison industries safety committee for transmittal to the Division of Industrial Safety (DIS).
- After exhausting the departmental appeal process, the inmate may file an appeal directly to the labor commissioner in the manner prescribed by the Division of Industrial Safety. Information necessary to pursue this appeal may be obtained from the prison industries safety committee.

54100.30 Term Computation Appeals

Whenever an inmate/parolee files a CDC 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 informal level, the inmate/parolee may request a computation review hearing. (Reference: Haygood v. Younger, (1985)-769 F. 2d 1350.)

- Classification or time card 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 be the second level of review. The normal first level appeal review is bypassed.

54100.30.1 Case Records Specialist

The case records specialist, upon receiving an informal administrative CDC Form 602 shall log it on the CDC Form 1058, Computation Review Appeal Response Log. The case records specialist shall research the case, considering case law and Department policy and procedure. When the CDC 602 has not been granted at the informal level by the case records specialist, the appeal shall be returned to the inmate/parolee, by the counselor or designated staff, 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 the case records manager/supervisor for filing in the miscellaneous section of the inmate's/parolee's C-File. The inmate/parolee shall retain the second copy.

54100.30.2 Appeals Coordinator

If the inmate/parolee wishes to have a computation review hearing, they shall submit the same CDC Form 602, filling out Section D, to the appeals coordinator. The appeals coordinator shall forward the CDC Form 602 within five working days of receipt to the case records manager/supervisor. The case records manager/supervisor shall date stamp and log the appeal on the CDC Form 1059, Computation Review Hearing Log.

54100.30.3 Case Records Manager

The case records manager/supervisor shall schedule the computation review hearing, which shall be held within 15 working days of receipt of the CDC Form 602. The case records manager/supervisor shall send two copies of the CDC Form 1032, Notice of Time, Date and Place of Computation Review Hearing, to the inmate/parolee by the counselor or designated staff. The inmate/parolee shall be notified at least 24 hours prior to the hearing unless the inmate/parolee waives the time constraints. The counselor or designated staff shall immediately return the signed original to the case records manager/supervisor for logging on the CDC Form 1059. The case records manager/supervisor shall research the case, taking into consideration all case law and Department policy and procedures.

54100.30.4 Hearing

The case records manager/supervisor shall conduct the hearing and it shall be held during the inmate/parolee'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. If it is determined an error has been made, the case records manager/supervisor shall grant the appeal and correct the error. If the appeal is a matter that the Department has no authority to change, the appeal shall be granted and referred to the appropriate agency for disposition. 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/parolee.

54100.30.5 C-File

The CDC Form 602 and the original CDC Form 1033 shall be sent to the appeals coordinator for processing pursuant to DOM 54100.26. Upon completion of processing, a copy of the CDC Form 602 and CDC Form 1033 shall be forwarded to case records for placement with the CDC 1031 and CDC Form 1032 in the miscellaneous section of the inmate/parolee's C-File.

It may be necessary to conduct the computation review hearing by telephone for those inmates housed in camp, other jurisdictions and paroles. The completed notice of time, date, and place of computation review hearing shall reflect the inmate/parolee was advised of the time of the hearing by telephone or other means. At the conclusion of the computation review hearing, the inmate/parolee shall be advised of the decision and that a completed computation review hearing decision shall be mailed that day. The CDC Form 602 and original CDC Form 1033 shall be forwarded to the appeals coordinator for processing pursuant to DOM 54100.26. Upon completion of processing, a copy of the CDC Form 602 and CDC Form 1033 shall be forwarded to case records for placement with the CDC Form 1031 and CDC Form 1032 in the miscellaneous section of the inmate/parolee's C-File.

54100.31 Psychiatric Transfer Appeals

An inmate who is involuntary transferred to CMF for psychiatric reasons may appeal that action, utilizing a CDC Form 602 directly to the third level if dissatisfied with the due process decisions described in DOM 54060.15, Mental Health Services. The inmate shall file the appeal within 30 days of the date of final hearing decision and shall receive a decision at the third level within 20 days following receipt of the appeal by the Chief, Inmate Appeals Branch.

54100.32 Request for Reasonable Modification or Grievance Filed Pursuant to ADA

In accordance with the provisions of the ADA, no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination.

The following definitions are contained in the ADA, 42 USC 12131, July 26, 1990, and in the USDOJ regulation 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Final Rule, July 26, 1991.

Qualified Individual With a Disability

This means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Disability

This means with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individuals; a record of such an impairment; or being regarded as having such an impairment.

The term “disability” does not include the following:

Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

Compulsive gambling, kleptomania, or pyromania; or

Psychoactive substance use disorders resulting from current illegal use of drugs.

Physical or Mental Impairment

This means the following:

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine;

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase physical or mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The phrase physical or mental impairment does not include homosexuality or bisexuality.

Major life Activities

This means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Records of Such an Impairment

This means that the person has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Regarded as Having an Impairment

This means the following:

Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such as limitation;

Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of other towards such impairment; or

Has none of the impairments as described above but is treated by a public entity as having such an impairment.

Submitting Requests on CDC Form 1824, Reasonable Modification or Accommodation Request

Qualifying inmates/parolees with disabilities may submit requests on a CDC Form 1824. The completed form is to be forwarded to the Appeals Coordinator's Office. Upon receipt by the Appeals Coordinator's Office, CDC Form 1824 will be logged into the IATS with other incoming appeals, as a first level of appeal. The CDC Form 1824 will be Screened in accordance with DOM 54100.8, Appeals Screening. A copy of CDC Form 1824 shall be forwarded to the facility ADA Coordinator.

Time Constraints for CDC Form 1824, and ADA Appeals/Grievances

Time constraints for CDC Form 1824 and ADA Appeals/Grievances are as follows:

The appeals coordinator will forward CDC Form 1824 to the appropriate responder, and a copy shall be sent to the facility ADA Coordinator. Within 15 working days after receipt by the responder, a decision will be rendered by the appropriate division head, and the CDC Form 1824 will be returned to the inmate/parolee by the appeals Coordinator's Office. The Appeals Coordinator's Office will forward a copy of the decision to the facility ADA Coordinator. The decision constitutes the first formal level of review.

If dissatisfied with the decision rendered on the CDC Form 1824, the appellant may, within 15 Days of receipt of the decision, appeal to the second level of review by attaching the original request form (CDC Form 1824) to a CDC Form 602 and forwarding the documents to the Appeals Coordinator's Office. The attachment of the CDC Form 1824 to the CDC Form 602 will be considered a supporting document and will not be considered as an additional page of comments. Section "F" of the CDC Form 602 must be completed by the inmate/parolee explaining the nature of the dissatisfaction and what he/she views as an appropriate resolution. Upon receipt by the appeals coordinator, the CDC Form 602 with attached CDC Form 1824 shall be logged as an incoming second level appeal for Warden's or RPA's level of review, and a copy forwarded to the facility ADA Coordinator. The second level of review shall be completed within ten working days of receipt of the CDC Form 602, and returned to the inmate/parolee with a copy forwarded to the facility ADA Coordinator.

If dissatisfied with the decision rendered on the CDC Form 602 at the second level of review, the inmate/parolee may, within 15 days of receipt, file an appeal to the third level of review per instructions on the CDC Form 602. Third level responses shall be completed within 20 working days. The decision is sent to the inmate/parolee directly and a copy is sent to the Appeals Coordinator's Office. Upon receipt of the copy, the appeals coordinator will provide a copy to the facility ADA Coordinator.

Processing of ADA appeals from the first through third levels shall be completed within 150-calendar day from the initial receipt of the CDC Form 1824.

Other provisions pertaining to inmate/parolee appeals, if not addressed in this section shall apply.

54100.33 Revisions

The Deputy Director, Institutions Division, in conjunction with the Deputy Director, P&CSD, or designee, shall ensure that the content of this section is accurate and current.

54100.34 References

Civil Rights Institutionalized Persons Act.

GC §§ 965 and 19572 (11346.1).

Federal Stat. 40.3, 40.4, 40.5, 40.6, and 40.7(e).

PC §§ 832.5, 5054, and 5058.

Whitaker v. Rushin (9th Cir 1983) 720F, 2C 1132, 1135.

Haygood v. Younger (1985) 769F, 2nd 1350.

In re Muszalski, 52 Cal. App. 3rd 500.

Public Law 96-247, 94 Stat. 349 (42 USC 1997).

CCR (15) (3) §§ 3084 and 3085.

42 USC 12131, et. seq., (ADA) July 26, 1990; and the USDOJ regulation 28 CFR Part 35; "Nondiscrimination on the Basis of Disability in State and Local Government Services, Final Rule," July 26, 1991.

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 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 site 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/facilities 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:

- State Compensation Insurance Fund Report of Occupational Injury or Illness.
- Employees Claim for Workers Compensation Benefits.
- Any local Institutional Report of Job-Related Injury/Illness as required.

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. CDC 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

Ch. 4.5 of Title 3