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SUSAN LAPSLEY
 Director

Debra Bowen
 DEBRA BOWEN
 SECRETARY OF STATE

Date: July 13, 2009

To: Ernest Marks

From: Chapter Two Compliance Unit

Subject: **2009 OAL DETERMINATION NO. 14(S)**
(CTU2009-0514-01)
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5;
 Cal. Code Regs., tit. 1, sec. 270(f))

Petition Challenging Department Operations Manual (DOM) Supplements
 #108 and #040, Dealing with Privilege Group C, as Underground Regulations

On May 14, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether Supplements #108 and #040 to the Department Operations Manual (DOM) of the California Department of Corrections and Rehabilitation (CDCR), issued by California Correctional Training Facility, Soledad, constitute underground regulations. DOM Supplement #108, signed for B. Curry, Warden, on 9/17/08, is titled Privilege Group C Housing; it deals with the reasons for placement in Group C housing and the consequences of that placement. DOM Supplement #040, signed by B. Curry, Warden, on 1/13/09, is titled Central Unlocks, Releases and Lockups; it deals with the procedures for unlocks, releases and lockups for all housing wings. You specifically challenge provisions that permit placement in Group C for certain rules violations and the duration of that placement. These DOM Supplements were issued by the warden at the California Correctional Training Facility, Soledad, and are attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

¹ "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation:

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility....

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rules challenged by your petition apply solely to the inmates of California Correctional Training Facility, Soledad. DOM Supplements #108 and #040 were issued by B. Curry, the Warden of California Correctional Training Facility, Soledad. Inmates housed at other institutions are controlled by those other institutions' rules dealing with placement in housing wings and the consequences of that placement. The rules you challenge were issued by the California Correctional Training Facility, Soledad, and apply only to inmates at the California Correctional Training Facility, Soledad. Therefore, the rules are "local rules" and are exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1).³

³ The rules challenged by your petition are the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

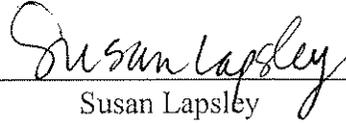
(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** (Emphasis added.)

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.



Susan Lapsley
Director



George Shaw
Staff Counsel

Copy: Ernest Marks
John McClure

EXHIBIT

A

TRAINING

METHODS

Inmates may be placed into Privilege Group C via two different means; as a result of Classification Committee action or as a disciplinary method imposed by a hearing official in a hearing of serious Rules Violation Report (RVR). Inmates placed in Privilege Group C via Classification Committee action must be deemed a program failure. Per Title 15, §3000, program failure means any inmate who generates a significant disciplinary history within the last 180 days from the current date. A guilty finding for two serious RVR's or one serious or two administrative RVR's within that 180 day period is reasonable evidence of a significant disciplinary history and may be considered a program failure. The Senior Hearing Officer (SHO) may assign an inmate to Privilege Group C for up to 90 days as a result of a guilty finding in a serious CDCR 115 hearing.

CCR, Title 15, §3044 authorizes the following privileges for inmates assigned to Privilege Group C:

- No family visits.
- One-fourth the maximum monthly canteen draws as authorized by the Secretary.
- Telephone calls on an emergency basis only as determined by institution/facility staff.
- Yard access limited by local institution/facility needs. No access to any other recreational or entertainment activities.
- No personal property packages.
- No special canteen purchases.

In order to ensure accountability and compliance with the provisions of the Title 15, Privilege Group C inmates will, to the extent possible be housed in the same housing unit. Level II & III General Population (GP), Privilege Group C inmates will be housed in North Facility Shasta Hall. Other housing units may be designated to house Privilege Group C inmates if demand exceeds available bed space. Movement of all inmates assigned to the designated housing units (Privilege Group C) will be consistent and restricted as such to ensure Privilege Group C inmates are only provided with authorized privileges.

The methods to be used to ensure compliance with CCR, Title 15, §3044 are outlined below:

PLACEMENT

An inmate placed in to Privilege Group C via classification action will immediately be re-housed into the Privilege group C housing unit. If placement is

due to classification committee action, the Unit Classification Committee recorder will provide a copy of the classification call sheet to the respective program lieutenant for each facility on the day of the action. The respective program sergeant for each facility will prepare a CDCR 154, moving the inmate to the Privilege Group C housing unit (Shasta Hall for Level II & III). If the inmate has enemy concerns or refuses to move to Shasta Hall, the inmate will be placed in Administrative Segregation (Ad-Seg) pending transfer.

On placement into Privilege Group C via disciplinary action, the hearing official will complete a Privilege Group C Placement Notification form (see attachment 1) and serve a copy to the inmate. The program lieutenant will ensure the inmate is added to the Facility Privilege Group C Report and distribute the list to all appropriate staff weekly. For custodial reasons if an inmate is retained in his current housing unit, all Privilege Group C restrictions shall be applied with the exception of the requirement to dispose of their entertainment appliance(s) or musical instruments per CCR, Title 15, §3191 (c).

REFUSAL/ENEMY CONCERNS

Privilege Group C inmates, who refuse to move into the designated area, will be housed in Ad-Seg and issued a CDCR 115 RVR. Those inmates who claim to have enemy concerns will be placed into Ad-Seg. If the enemy concerns are deemed legitimate they will be retained in ASI pending transfer. Inmates without legitimate enemy concerns will be released from Ad-Seg and ordered to return to the designated Privilege Group C housing units. Should they refuse, disciplinary action will be initiated.

MOVEMENT

Movement of Privilege Group C inmates will be restricted and closely monitored. Inmates will be given showers between the hours of 1500-1600 hours, Monday-Wednesday and Friday. At no time will an inmate be allowed to loiter within the housing units. No yard or dayroom activity is authorized during the weekend and holiday.

PROPERTY RESTRICTIONS

When an inmate is placed into Privilege Group C, the housing unit officer will collect and inventory all personal property items that are not authorized. The officer will ensure the inmate's remaining property is in compliance with the six cubic feet limit (excluding legal, education material, and health care appliances).





California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 108
Privilege Group C Housing
DOM Chapter 5, Article 39, Title 15

All property exceeding six cubic feet will be disposed of in accordance with CCR, Title 15, §3191 (c).

The housing unit officer will ensure that the inmate's property is in compliance with the limitations listed below:

- No electrical appliances (television, radio, CD, cassette player, fan, etc.)
- No audio cassettes or compact discs.
- No musical instruments.
- No hobby materials.
- No watch.
- No board games, cards, or dominos.
- Approved food items.
- Approved stationery items.
- Approved personal care/hygiene items.
- Five of any combination of books, magazines, and newspapers.
- One Bible or equivalent religious book.
- Inmates assigned to Academic or Bridging Programs may possess course materials.
- One religious medallion or medicine bag (Native American)
- This is not an all-inclusive list. Refer to DOM Section 54030.18.1-54030.18.7.2, Inmate Property, for a complete list of authorized items.

Inmates placed on work Group C due to a classification committee action:

Inmates placed on Work Group C pursuant to a classification committee action, will be required to dispose of the entertainment appliance(s) and/or musical check instruments in accordance with CCR, Title 15, §3191(c).

Inmates placed on Privilege Group C due to a disciplinary action:

Inmates placed on Privilege Group C pursuant to a disciplinary action, will be required to surrender their entertainment appliance(s) and/or musical instruments to the unit staff for safe keeping in accordance with CCR, Title 15, §3191(c) for the duration of C status.

RECREATION

Work Group/Privilege Group C or C/C inmates will be given yard from 1500 hours to 1600 hours, Monday-Wednesday.

CANTEEN

Privilege Group C, C/C or A/C inmates will be allowed to purchase Canteen during yard call from 1500 to 1600 hours, Monday-Wednesday. Privilege Group C inmates are authorized to draw up to one-fourth of the maximum monthly canteen draw.

LAW LIBRARY

Inmates in Privilege Group C who are not in an assignment will be allowed access to the library during the scheduled yard access time between the hours of 1500-1600 hours on Thursday or Friday, dependant on the library schedule for Facility VI. Inmates who are in Privilege Group C who are in a work or school assignment between the hours of 0600-1630 will be authorized the use of "E" time to attend Law Library once per week (maximum of two hours access per week). The access is to be coordinated in such a way to minimize time away from work/education Tuesday through Friday. The work supervisor will issue an inmate pass for access to the Law Library and retrieve the pass from the inmate upon return. The inmate will return the pass to the work supervisor (teacher, instructor, etc.) with a signature from the library staff member to include time in, time out, and date. The pass will be kept with time keeping records. Inmates who meet the criteria for Preferred Legal Use (PLU) will be provided priority access during the times listed above.

RELIGION

Religious programming will be limited to one regularly scheduled service per week, with emphasis on access to the primary obligation service usually occurring on Friday, Saturday, and Sunday. Housing officers will track the inmate's weekly religious attendance. No special religious programming or groups will be permitted without authorization of the Warden.

INMATE WORK INCENTIVE PROGRAM

Privilege Group C inmates assigned to work or school (A1/C) will be released from their housing unit to work or school call, as appropriate. Housing officers will maintain a roster, listing Privilege group C inmate's job assignments and work hours. Housing officers will closely track workers to ensure they return to their assigned housing unit upon completion of their work hours.

PRIORITY DUCATS

Privilege Group C inmates with priority ducats will be closely tracked to ensure their prompt return to and from their assigned housing unit. The ducat issuer will note the time the inmate leaves their area on the ducat. The inmate is responsible for relinquishing



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 108
Privilege Group C Housing
DOM Chapter 5, Article 30, 42, 2, Title 15

their ducat to the housing officer upon arrival to their housing unit.

MEALS

Privilege Group C inmates will eat in their respective dining hall. It is the responsibility of all officers assigned to the dining halls to ensure every Privilege Group C inmate returns to their housing unit after meals.

CLOSE CUSTODY

The above procedures will also apply to Close Custody inmates. Assigned housing officers will closely monitor the movement of Close Custody inmates assigned to Privilege Group C. In an effort to facilitate the institutional mandatory Close B counts, whenever possible, these inmates will be assigned to a cell with another compatible Close Custody Privilege Group C inmate.

HOSPITAL

All of the above procedures will also apply to Privilege Group C inmates housed in the CTF-C Infirmary

HAIRCUTS

Assigned inmate barbers will offer haircuts to inmates in the Privilege Group C on the patio on a monthly basis. Haircuts will be provided on the patio between the hours of 1500 to 1600 hours, Monday-Wednesday.

ACCOUNTABILITY

If the inmate does not return when expected, the housing officers will call the area to account for the inmate. Local facility staff will notify the facility sergeant and attempt to locate the inmate. If the inmate cannot be promptly located within 30 minutes, the inmate's absence shall be reported to North Control and the Watch Commander shall be notified. Additionally, housing officers will conduct an informal count of assigned inmates upon their return from meals and yard.

An inmate without an Identification Card (ID) will not be allowed departure of the housing unit unless under escort. Inmates will be fed in their housing unit until a new ID card has been issued.

REMOVAL FROM PRIVILEGE GROUP C

An inmate placed into Work Group/Privilege Group C by a Classification Committee action may apply in writing to their CCI to be removed from that privilege group, no earlier than 30 days from the date of placement. Subsequent to the mandatory 30 day placement on Work Group/Privilege Group C, if the

inmate submits a written request for removal, a hearing shall be scheduled within 30 days of receipt of the written request for consideration. Classification Committees will consider the extent to which the inmate has complied with Department Regulations in determining whether to remove an inmate from Privilege Group C.

If an inmate has been placed in Privilege Group C for disciplinary action, he will remain in Privilege Group C for the entire term as specified by the hearing official.

TRACKING PRIVILEGE GROUP C INMATES

At the conclusion of a disciplinary hearing, the SHO/HO will generate a Privilege Group C Placement Notification (PGCP) form (attachment 1) advising staff that the inmate was placed on Privilege Group C. The submitted Notification Form will include the following information:

- Inmate's Name
- CDCR Number
- Date of RVR Hearing
- Effective Date of Privilege Group C
- Completion Date of Privilege Group C
- The CCR Infraction

The distribution of this document will occur on the same day of the RVR hearing. The following persons/staff should receive a copy:

- Inmate
- CCI
- CCII
- Canteen staff
- Program Lieutenant
- Program Sergeant
- Building 11 and 21 Officers
- Facility Captains
- Visiting
- Inmate's Trust Office
- SCEP (Principal)
- SAP CCIII
- PIA Administrator

It is extremely important that all staff receive a copy of the inmate's PGCP form to ensure that these inmates are tracked and supervised. The SHO must ensure that the inmates receive their copy of the PGCP form at the conclusion of the RVR hearing. The inmate has a responsibility to cooperate with this process and advise staff upon completion of their Privilege Group C placement.



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 108
Privilege Group C Housing
DOM Chapters: Article 39, Title 15

PLAN NUMBER AND TITLE

Institution Operations Plan (IOP) Number CSPS-L2-08-114, Privilege Group C Housing and Program

sergeants will be responsible for the daily adherence to the policies and procedures defined in this IOP. All employees are responsible to ensure compliance.

PURPOSE

To provide guidelines for housing and programs for inmates assigned to Privilege Group C. In an effort to change the culture and mindset of the inmate population at CTF North and to reduce the level of violence while establishing a structured and consistent program

[Signature]
B. CURRY
Warden

9/17/08
Date

OBJECTIVES

Ensure that inmates assigned to Privilege Group C receive privileges commensurate with their assignment. In addition to this C/C program on the Shasta Hall B section all inmates that are released from the Administrative Segregation Unit will also be housed in Shasta Hall and the unassigned A2B privilege group inmates on the A section. All inmates assigned to the education or the work program will be housed in Whitney Hall along with the Substance Abuse Program.

Encourage participation in the Inmate Work Training Incentive Program.

Increase accountability of inmates assigned to Privilege Group C.

Ensure that inmates actively participate in assigned rehabilitation programs.

REFERENCES

California Code of Regulations (CCR), Title 15, Sections (§) 3000, 3006, 3044 ©, (d), (e), 3151, 3152, 3161, 3190, 3193, 3287, DOM Supplement 54030-Inmate Property, IOP #109-Administrative Segregation; California Penal Code Sections 4573 and 4574; Department Operations Manual (DOM) §53130.6, 53130.6.1, 53130.6.2, 53130.7, 53130.7.1, and 54030.18.1-54030.18.7.2.

APPROVAL AND REVIEW

This OP requires annual review by the Associate Warden-North Facility. The Chief Deputy Warden shall review the plan and forward to the Warden for final approval. This plan will be updated annually in the month of August.

RESPONSIBILITY

The Warden designates overall responsibility to the Associate Warden-North Facility. The Facility Captains, Program Lieutenants, and Program

EXISTENCE



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 040
CENTRAL UNLOCKS, RELEASES & LOCKUPS
DOM, CHAPTER 5, ARTICLE 16

The Correctional Captain is responsible for ensuring compliance with this procedure. The Program Lieutenants are responsible for ensuring that all personnel comply with the schedules set forth in this procedure in their specific area of responsibility.

First Watch General Unlock / Lockup Procedures for General Population Housing Wings B, C, D, E, F, G, Y and Z Wings

When the First Watch Wing Officers assume their post, all inmates residing in the wing must be secured in their respective cells. The securing of a wing is accomplished by the Third Watch Wing Officers prior to the 2130 count and is done in the following manner:

All inmates will be secured in their assigned cells. All cell doors will be secured by keying the cell door Folger-Adams locking device in the locked position.

The bar-locking device will be placed in the deadlock position.

Upon reporting to their assigned wing, the officers will make a visual inspection of the wing. This inspection is to make sure that all cells are secured and locked by the Folger-Adams locking device. Further inspection will assure the locking device is in the deadlock position. A visual check will be made of the wing to ensure that all common areas are secured. Additionally, the security check is to ascertain that no inmates are injured, (i.e., suicide, cell-fights, etc...).

Emergency Unlocks

An emergency unlock is considered to be an unscheduled inmate movement from a cell between the hours of 2200 & 0600 hours, with the exception of the porters & clerks who are regularly assigned night workers. Early worker releases are not considered an emergency unlock.

Emergency unlocks require the notifying / approval of the Watch Commander. At least two (2) officers and one (1) supervisor should be present on tier if time permits, (i.e. fire, etc.).

Emergency unlocks shall be accomplished by placing the locking bar in the "KEY" position and then unlocking the cell door of the inmate involved. The S&E Officer with the bar key controls the bar-locking device on the tier and maintains control of the bar locking device key during all unlocks on First Watch. A visual inspection from the cell's door window will precede the opening of the cell door.

Examples of Emergency Unlocks are as follows:

- In case of suicide or attempted suicide.
- If an inmate is ill and medical personnel require and/or request that he be moved to the Infirmary.
- If an inmate has placed an obstruction over his cell door window bars and refuses to remove the obstruction.
- If the inmate cannot be counted in his cell, i.e., he cannot be awakened and is not showing skin.
- If the inmate assaults another inmate in the cell.

All emergency unlocks will be accomplished in accordance with the following procedures

When notified of a need for an emergency unlock, and approval has been granted, the Watch Sergeant will proceed to the wing with the additional staff as outlined in this order and with an S&E Officer who will be in control of the bar key.

Staff with Wing Corridor Entrance Door Key Set must surrender this set to the Staff remaining in the corridor.

On the tier the bar-locking device will be placed in the "KEY" position.

The Wing Officers, supervisor and additional officers will proceed to the cell door. After making a visual inspection of the cell through the cell door window, the cell door will be keyed open, the inmate removed, if necessary, and the cell door locked.

The locking device is to be secured back in the deadlock position, and the bar-locking device key will be returned to Central Control.

Culinary Early Workers Unlocks

The Second Watch Culinary Sergeant will submit to Control and the Watch Office every day, a list of inmate(s) who are to be awakened early on the following morning.

This will be accomplished prior to 1330 hours daily in the following manner:

This list will contain the names, numbers, housing and time each inmate is to report to his assignment.

The Third Watch Culinary Sergeant will ensure that copies of the early wake-up list are correct and routed to the concerned areas.



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 040
CENTRAL UNLOCKS, RELEASES & LOCKUPS
DOM, CHAPTER 5, ARTICLE 16

The Wing Officer will awaken all inmates housed in the wing whose name appear on the list one half (1/2) hour maximum prior to the scheduled releasing of the inmates or at the discretion of the Wing Officer.

The overhead tier lights are to be turned on after awakening inmates and prior to releasing inmates in order to maintain visual contact of the inmates and to enhance the safety of the release.

Culinary unlocks will be conducted in the following manner

Two (2) S&E Officers will proceed to the wing. The bar-locking device will be placed on the "KEY" position by the S&E Officer. During releases, the S&E Officer will retain the bar key. The Wing Officer, will proceed to the tiers and conduct the unlock while the Second S&E remains in the wing sallyport providing additional visual coverage of the Wing Officer and inmates being released. The sallyport gate will be locked during releases. As each inmate is released from his cell, he will proceed to the first tier. At the completion of releases for the individual wing, the S&E will unlock the gate, and the inmates will proceed to their work assignments.

Upon completion of the unlock, the S&E Officer will ensure that the bar locking devices are returned to the deadlock position. The S&E Officer will return the bar keys to Control at the completion of the releases. At no time will the sallyport gate key be taken past the sallyport gate.

At NO TIME will the bar-locking device be placed in the "OPEN" position to facilitate a Culinary Unlock.

All unlocks will be handled as quietly as possible so as to minimize disturbing other inmates. Kicking on cell doors, banging on the locking devices and other loud noises will not be tolerated. The Unit Sergeants will be responsible for supervision of the culinary unlocks.

Second Watch General Unlock / Lockup Procedures for General Population Housing Wings B, C, D, E, F, G, Y and Z Wings:

The initial unlock of general population inmates prior to breakfast meal release will be conducted in the following manner:

A minimum of two (2) Officers will be present on the tier at all times in a wing when all unlocks or lockups are conducted on a routine basis and during major releases, i.e., meals, work/school.

Immediately upon assuming their post, the 0600 hours Officers assigned to the general population housing wings will conduct a security inspection. This inspection will be conducted with the bar-locking device in the deadlock position. During this inspection the Wing Officers will unlock the Folger-Adams locking devices on the cell doors of all identified a.m. diabetics and early workers at this time period. The remaining cell doors in that wing will have their Folger-Adams locking devices in the locked position. When the a.m. diabetics and early workers are called for, they will be released by moving the bar from the deadlock position to the "KEY" position and then back to the deadlock position once the inmates have exited the cell. The wing security officer will ensure that only diabetics and early workers (not their cellmates) are released to the morning meal early by utilizing the early workers and diabetics list.

Prior to the breakfast release, the Wing Officers will unlock the remaining Folger-Adams locking devices, with the exception of CTQ/RTQ inmates. Those inmates housed with a CTQ/RTQ inmate will be released individually after their tier has been released. The Wing Tier Officer will then place the bar-locking devices in the "KEY" position to begin that tier's release, starting with the Third Tier down to the First Tier. The Officer assigned to the front door will place the 1st tier bar-locking devices into the "KEY" position for the first tier release.

The first phase will be released to the culinary for the morning meal and will return directly to the housing units. The first phase will be required to return to their cells after returning to the housing units. The second phase will then be released to the culinary. When the second phase is released from the culinary, the inmates will be permitted to go directly to work or school providing it is the designated time of their assignment. Upon completion of the second phase culinary release a work and school release will be conducted in the housing units.

Upon completion of each half (B,C,D,E,Y,Z) or tier (F,G) being released, both Tier Officers will be on the tiers to release inmates housed with RTQ/CTQ inmates. Both Officers will conduct security checks to ensure that all inmates have been released safely. The inmates will proceed directly to the dining hall, Work, School or other approved activity. Under no circumstances will inmates be allowed to loiter on the tiers. The bar will then be moved back to the deadlock position before the release of the tier.



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 040
CENTRAL UNLOCKS, RELEASES & LOCKUPS
DOM CHAPTER 5, ARTICLE 16

When the wings in the second phase are released from the dining hall, inmates may proceed directly to Work or School providing it is the designated time of their assignment. All inmates not going to work and school will return to their housing units after the morning meal. After all inmates have returned the Tier Officers will announce wing lock-up. All inmates will go stand by their doors on all three tiers. The Officers will key each door and allow only the assigned inmates in the cell. The Officers will proceed with the lock up from the 1st Tier up to the 3rd Tier (1 east side and 1 west side) locking the inmates in their respective cells. The Tier Officers will lock all Folders-Adams locking devices and complete all hourly unlocks without using the bars. The bars will be utilized for the 1230 work, school call, and yard release. Upon completion of the 1230 hour work and school release the Tier Officers will lock all Folders-Adams locking devices and complete all hourly unlocks without using the bar.

Bar-Locking devices will not be utilized when conducting hourly unlocks. The bar-locking devices will only be utilized for mass unlocks / releases (0600 a.m. diabetics and early workers release, morning meal release and lock-up, 0800 work and school, 0900 yard release and the 1230 work, school and yard release) and emergency releases.

During Yard Release, Staff will conduct random searches of inmates as they exit to the West Gate. The Central Yard Sergeant will supervise the searches to ensure compliance and provide additional coverage.

The Yard Fence Gate and the West Corridor Grill Gate shall remain locked between unlocks. The outer security door located at the West Gate will be left unlocked whenever inmates or Officers are on the yard in the event that an emergency arises on the yard. The West Corridor Officer will be responsible for the operation of the West Corridor Gate.

Special unlocks or releases from the yard will be made to accommodate visits, priority ducats, or other needs following approved notification of legitimate activity.

Yard releases are subject to change at the discretion of the Watch Commander to accommodate other movement or during inclement weather.

Unlocks to the Education Department

All inmates entering the Education Department will surrender their I.D. cards to the Officer at the door. Inmates without I.D. Cards will not be permitted entry. Inmates who have lost, or have not been issued their I.D. Cards, will not be permitted entry until they have received an I.D. Card.

The Education Officer will sort the I.D. Cards by individual classes and will retain them until school is released. The Education Officer will return I.D. Cards to student inmates at that time.

The Education Officer will retain education clerks I.D. Cards until the inmates are released from their assignments.

Non-student or unassigned inmates with legitimate business in the area may enter the Education Department with a pass/ducat after surrendering their I.D. Cards with the Education Officer at the Entrance Door.

Third Watch General Unlock / Lockup Procedures for General Population Housing Wings B, C, D, E, F, G, Y and Z Wings:

Upon reporting to the wings, the 1400-hour Officers will make a security inspection of their unit, ensuring that all RTQ/CTQ inmates are in their assigned cells, not injured; and that all doors are locked. This includes cells, mop rooms, and plumbing chases. The Unit Sergeant will be notified immediately of any discrepancies.

Yard recall begins promptly at 1530 hours or at the discretion of the Watch Commander. During yard recall, staff will conduct random searches of inmates exiting the yard. The Central Yard Sergeant will supervise the searches. The Officers and Central Services Sergeant designated for corridor coverage will report to the Corridor promptly when the yard announcement is made.

Yard recall is conducted by wing. At the completion of the wing yard recall, the two (2) Tier Officers will announce lockup. Those inmates requesting to go into their cells will stand by their assigned cell door. The two (2) Tier Officers will proceed with the lockup from the Third Tier down to the First Tier (1 East Side - 1 West Side) locking those inmates in their respective cells.

At 1630 hours, all inmates are secured in their cells for Count unless placed on authorized Out-Count Slips.



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 040
CENTRAL UNLOCKS, RELEASES & LOCKUPS
DOM, CHAPTER 5, ARTICLE 16

At approximately 1730 hours, or upon the clearing of the Institution Count and completion of emergency alarm checks, the evening meal will commence. When Central Control announces for corridor coverage, those Officers and Central Services Sergeant assigned for corridor coverage will promptly report to the corridor.

To facilitate the pick-up of TB and Psychotropic Medication for inmates requiring such medication, the evening meal release will precede beginning with the First Tier up to the Third Tier. Wings are released to the dining halls one and a half (1½) tiers at a time for B, C, D, E, Y and Z Wings. One (1) tier at a time for F and G Wings, (due to a larger tier size).

Prior to the evening meal release, the Wing Officers will deadlock the bar and unlock the Folgers-Adams locking devices, with the exception of CTQ/RTQ inmates. Those inmates housed with a RTQ/CTQ inmate will be released individually after their tier has been released. The Wing Tier Officer will then place the bar-locking devices in the "KEY" position to begin that tier's release, starting with First Tier up to the Third Tier. The Officer assigned to the front door will place the 1st tier bar-locking devices into the "KEY" position for the first tier release. Upon completion of each half (B,C,D,E,Y,Z) or tier (F,G) being released, both Tier Officers will be on the tiers to release inmates housed with RTQ/CTQ inmates and will conduct security checks to ensure that all inmates have been released safely. Inmates will proceed directly to the dining hall, yard, or other approved activity. Under no circumstances will inmates be allowed to loiter on the tiers. The wing will be secured by locking the cell doors with the Folgers-Adams Key making sure that all inmates staying behind are uninjured and appear mentally normal before the release of the next tier.

When the wing is released from the dining hall, inmates in possession of a valid Red Privilege Card, and a Green I.D. Card may go directly to the yard at this time. All inmates returning to the wing will remain on the 1st Tier. After all inmates have returned the Tier Officers will announce Lock-Up. All inmates will go up and stand by their door with their backs against the wall. The Officers will key each door and allow only the assigned inmates in the cell. The Officers will proceed with the lock up from the 1st Tier up to the 3rd Tier (1 east side and 1 west side) locking the inmates in their respective cells. Immediately after

lockup of the last inmate, the Officers will commence with Red Privilege Card program.

At no time shall an Officer be on the tier alone. Both Tier Officers shall be on the tier at the same time. The Officer with the Door Set shall provide visual coverage during major releases from the sallyport area.

Evening Release for Yard and Red Card Program

Upon being released from the dining hall, those inmates not on yard restriction, in possession of a valid Red Privilege Card and a Green I.D. Card will be allowed the opportunity to go directly to the yard. Those inmates returning to the wings will remain on the First Tier until lockup is announced following completion of the evening meal for their respective wing.

After securing the wing, the Wing Officers will begin the evening wing program in accordance with Third Watch Post Orders. The cell door Folger-Adams locking devices will not be unkeyed / unlocked at any time on Third Watch except to release authorized inmates to the evening meal / Red Card Programs, etc. Upon releasing the approved inmate, the cell door is to be re-locked.

Central Facility Unlocks: ALL TIMES ARE APPROXIMATE

0300 Hours

Unlock for Culinary Cooks (B, C, F, G, Y and Z Wings).

0500 Hours

Unlock for Culinary Cooks (all mainline wings).

0600 Hours

Unlock for Close Custody Culinary Workers, diabetics and early workers.

0615 Hours

Breakfast releases from B, C, D, E, Y & Z Wings will be by 1½ tiers. F & G Wings will release one (1) tier only. Work release from Culinary and wings already fed eastbound to Maintenance and Laundry.

0755 Hours

Work and School release from wings, or upon completion of the breakfast meal.

0830 - 0855 Hours

Staff training

0900 Hours

Yard Release from wings. Begin tier activity/ hourly unlock schedule.



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 040
CENTRAL UNLOCKS, RELEASES & LOCKUPS
DOM, CHAPTER 5, ARTICLE 16

1000 Hours

Hourly unlock in wings.

1030 Hours

Courtesy yard recall for culinary workers and inmates with canteen

1030 Hours

Every 72 hours, M-W-F, Commence with ORI/CTQ/C Privilege/C Status shower program.

1100 Hours

Hourly unlock in wings. Start Education release to all mainline wings.

1115 Hours

Close Custody Yard Recall / Courtesy Yard Recall. The recall will be in the same order as the morning release.

1130 Hours

Secure all wings. No inmate movement except Medical and priority ducats.

1215 Hours

Wing secured, bars secured for afternoon release to work, school and yard.

1215 Hours

Close Custody Count.

1230 Hours

Hourly unlock in wings when Close Custody Count clears.

1230 Hours

Work, School, and Yard release from all mainline wings. (Weekend only-unlock for yard, individual release for red card only. 1245 hours unlock for A/2B inmates for dayroom only.)

1330 Hours

Hourly Unlock

1350 Hours

Cease inmate movement for shift change.

1415 Hours

Weekends and Holidays all inmates will Lockup.

1425 Hours

M-W-F, release C status inmates to yard.

1430 Hours

Hourly Unlock for A2B and Red Card inmates. (Red Card Only on Weekends and Holidays).

1430 Hours

Commence yard recall for PM Culinary workers and inmates with canteen purchases.

1500 Hours

Education release back to all mainline wings.

1530 Hours

Yard Recall. (NOTE: Yard recall may begin earlier due to the number of inmates on the yard).

Secure "C" Status inmates from the yard and wing.

1530 Hours

Hourly Unlock.

1630 Hours

Secure Wings and commence alarm checks.

1700 Hours

Count (Mandatory Standing Count).

1730 Hours

Upon completion of the 1700 hour count, Diabetics (2 Dots) will be released to Medical.

Release wings to the evening meal on a rotating basis. E, D and C Wings will be fed in the first phase as long as Close Custody inmates reside in these wings. For those wings not in the first phase for the evening meal, unlock for Red Card Yard, and dayroom program, early workers and ducats (library on Sundays). Lockup the wing prior to the evening meal release from the wing. Upon completion of the evening meal the wing will be secured. Red Card Unlock begins ten (10) minutes after the wing is secured. When the wing is released from the Dining Hall, all inmates returning to the wing will be secured prior to commencing with Red Privilege Card Program.

NOTE: Red Card Yard Release: Wings scheduled in the second and third phases will conduct a release to the yard only after the completion of the release to the dining halls for the First Phase Wings. This release will be for Red Card Holders who do not want to go to the evening meal (no Close Custody). Those inmates who want to go to the yard and forgo attending the evening meal will remain on the first tier of their wings, behind the grill gate until the West Corridor Officer announces yard release for that wing.

NOTE: A2B and "C" Status inmates will lockup upon returning from the Dining Hall.

A continued hourly unlock for Red Card holders will commence no more than ten (10) minutes after the lockup is completed.

2000 Hours

Close Custody Count

2030 Hours

Commence yard recall.

2100 Hours

Red Card shower program ends.

2130 Hours

Count.

Special Security Measures:



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 040
CENTRAL UNLOCKS, RELEASES & LOCKUPS
DOM, CHAPTER 5, ARTICLE 16

Bar-locking devices will never be utilized to accomplish hourly unlocks. The bar-locking devices will only be utilized for mass unlocks / releases, meal lockups and emergency releases.

Cell visiting and wing visiting is not permitted at any time. Only authorized maintenance workers will be permitted to enter a wing. These workers must be under direct supervision of a staff member at all times.

Tier loitering is forbidden at all times.

With the exception of extreme emergencies, the bar-locking device will never be placed in the open position.

Activities in the wing during Second Watch and Third Watch will be limited to the designated or approved tier activities. Program is restricted to Red Privilege Cards on weekdays after the 1700 hours count. On weekends and holidays the program is restricted to Red Privilege Cards at 1430 hours.

Library on weekends and holidays is restricted to Red Card Only for Non-Priority Use.

With the exception of authorized unlocks, inmates will not exit the wings unless they have a verified pass or ducat in their possession. Passes will not be issued to any area unless the supervisor in charge of the area has been contacted and the presence of the inmate is requested and/or verified. Passes will only be made out and issued by Custody Staff.

Officers/Staff in charge of the Culinary will release Culinary Workers from their assigned areas. Corridor Officers will not release workers from the Culinary. Upon ascertaining whether or not an inmate lives in a wing, the Corridor Officer may allow him access to the wing.

During meals and major releases, the Central Services Sergeant assigned will supervise the east corridor wing releases, center corridor and education releases. The Yard Sergeant will supervise the west corridor wing release. Dining Hall supervision during meals will be provided by a Unit Sergeant in each Dining Hall. It will be the responsibility of the Watch Commander to ensure supervisory coverage of the Corridor and Dining Halls.

Periodic clothed body searches of inmates are required of Correctional Personnel during mass movement of inmates in the corridor to control contraband.

Inmate corridor traffic during major releases will be one-way traffic (to the right of the corridor) unless otherwise determined by the Watch Commander. Inmates will not walk within the white boundary lines and may only cross these lines while exiting or entering an area, i.e. culinary, wings, etc.

Inmates returning from meals have the choice of yard (if eligible), or their cells (unless released for a shower or Red Card Programs). If an inmate is going to the yard, he does not enter the wing. No cell visiting or tier loitering is permitted at any time.

The area from the Wing Entrance Door to the inner gate is to be clear of inmates at all times.

When conducting major lockups, the two (2) Tier Officers will make sure all inmates returning to the wing remain on the 1st Tier. After all inmates have returned the Tier Officers will announce Lock-Up. All inmates will go up and stand by their door with their backs against the wall. The Officers will key each door and allow only the assigned inmates in the cell. The Officers will proceed with the lock up from the 1st Tier up to the 3rd Tier (1 east side and 1 west side) locking the inmates in their respective cells.

All inmates in the East Corridor beyond X-Wing will be in state issued clothes. No personal clothes will be allowed beyond X-Wing unless it is for a medical emergency.

Lockdowns or Modified Program

When the entire facility or any part of the inmate population is on lockdown status, the cell-feeding process will begin immediately after the respective watch has assumed duty and the meal has been delivered. Inmates returning to the wing will be immediately secured in their cells.

There will be no yard releases until completion of cell feeding and wing clean up.

Shower Programs

Close "B" Custody inmates who are a full-time assigned worker will be showered between the hours of 1030 to 1130, 1430 to 1630 and 1830 to 1930.

All CTQ/RTQ inmates regardless of custody level will be showered on Second Watch.



California Department of Corrections and Rehabilitation
CORRECTIONAL TRAINING FACILITY

DOM SUPPLEMENT # 040
CENTRAL UNLOCKS, RELEASES & LOCKUPS
DOM, CHAPTER 6, ARTICLE 16

All unassigned inmates and "C" status will be allowed to shower during their program time which starts at 1030 to 1130.

B. Curry
B. CURRY
Warden

1/13/09
Date

Third Watch is responsible for showering those inmates assigned to a full-time work/school position. Showers will be conducted during dayroom activities between the hours of 1430 to 1630 hours and 2000 to 2100 hours. Showers will be provided for five (5) minutes per inmate and monitored by the Tier Officer.

Controlled showers will consist of a maximum of one-half (½) tier of inmates out at any given time. A reasonable amount of time (30 minutes per group of inmates) will be afforded for inmates to shower and return to their cells.

See attachment A for Central Facility Shower Program Hours.

Identification/Privilege Cards

Receiving and Release will prepare a CDC 131 Green Identification Card for all new arrivals to CTF. All inmates will receive a Green Identification Card prior to departing R&R, or as soon as practical. R&R will deliver the non-issued Red Privilege Cards and Yard Cards to the Records Department for storage and later issuance as appropriate.

Initial Classification

The correctional counselor is responsible for reviewing the DMS for new arrivals to their caseload, determining the inmates Work Group / Privilege Group and obtaining the appropriate Red Card as necessary. The Red Privilege Card can be obtained in the Records Department. The correctional counselor will issue the appropriate card (s) to the inmate upon completion of the initial classification process, or forward the appropriate card (s) to the respective Wing Officer for issuance.

Should Unit Classification Committee change an inmate(s) work group status from A1-A to either A2-B or C-Status, the assigned correctional counselor will be responsible for obtaining the appropriate card.

Lost or altered ID cards shall be replaced. The cost associated with replacing the Green ID or Red Privilege shall be the sole responsibility of the inmate(s). Should any card(s) as described above be altered, the inmate(s) shall not be allowed entrance into the Central Yard.