

OFFICE OF ADMINISTRATIVE LAW

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Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

Date: January 19, 2011
To: Keith Lewis Sr.
From: Chapter Two Compliance Unit
Subject: **2011 OAL DETERMINATION NO. 1(S)**
(CTU2010-1129-04)
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5;
Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Condemned Inmate Allowable Property, OP 608 Attachment B, San Quentin

On November 29, 2010, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether OP 608 Attachment B, dated September 2010 constitutes an underground regulation. The challenged rule is in. Specifically, you challenge the pages titled "Condemned Inmate Allowable Property." The pages titled "Condemned Inmate Allowable Property" were issued by the warden at San Quentin 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 (CDCR):

(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 challenged rule "Condemned Inmate Allowable Property" (Exhibit A) was issued by San Quentin and applies solely to the inmates of San Quentin. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

³ The rule challenged by your petition is 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.

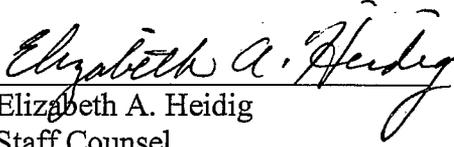
(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(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.


DEBRA M. CORNEZ
Assistant Chief Counsel/Acting Director


Elizabeth A. Heidig
Staff Counsel

Copy: Matthew Cate
Tim Lockwood
Gary Hines (CTU2010-1209-01)

Exhibit A

Zeb T6 Lewis

ITEM DESCRIPTION	# COND A	# COND B	N/E	CANTEEN, QP or SP	SPECIAL COMMENTS
NON-EXPENDABLE PERSONAL PROPERTY					
<ul style="list-style-type: none"> • A MAXIMUM OF THREE ELECTRICAL APPLIANCES OF ANY TYPE ARE ALLOWED PER INMATE. • ANY BATTERY OPERATED NON-ENTERTAINMENT APPLIANCE SHALL NOT COUNT TOWARDS THE APPLIANCE LIMIT. • PURCHASES OF ALL ENTERTAINMENT, ELECTRICAL, AND BATTERY OPERATED APPLIANCES SHALL BE LIMITED TO CLEAR CASE BASED UPON INDUSTRY AVAILABILITY. • 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. <i>GRADE B INMATES ARE NO LONGER ALLOWED TO POSSESS HEADPHONES. ALL ENTERTAINMENT APPLIANCES WITH SPEAKERS MUST HAVE SPEAKERS DISCONNECTED OR REMOVED AT INMATE'S EXPENSE.</i> 					
TELEVISION: Must be of clear <i>non-colored see through</i> plastic construction. Outside cabinet clear case only and not to exceed 16" x 16" x 20" deep. Screen not to exceed 13" measured diagonally. Televisions must be equipped with a headphone jack and all external speaker functions are to be disconnected prior to shipment. No external antennas. Value not to exceed \$300.00. TV's must be cable ready, no remote controls allowed.	1	1	N	A-SPO	Vendor direct or institutional transfers only. All handles are to be removed for Ad-Seg and Condemned.
AUDIO ENTERTAINMENT APPLIANCE: AM/FM radio/CD/cassette tape player or any combination allowed. AC power or battery operated. Must have earphone jack. No detachable speakers. Outside measurements not to exceed 3" x 6" x 6". (Purchase value not to exceed \$150).	1	1	N	A-SPO	Vendor direct or institutional transfers only. No external antennas. <i>Not authorized if contains alarm clock or game functions.</i>
TYPEWRITERS: must be electronic (no Manual). Typewriters are limited to 7K of RAM. No additional memory storage devices are permitted. I.E. floppy or compact disc drives. Text displays are limited to two lines. Value not to exceed \$250.00.	1	0	N	A-SPO	Vendor direct or institutional transfers only. <i>Clear cases only.</i>
FAN: (AC power or battery operated, plastic blade and cage. Not to exceed 9" not to exceed \$25).	1	0	N	SPO	
LAMP: (Not to exceed 30 watts. Not to exceed \$25. AC power or battery operated). No clip on style lamps allowed.	1	0	N	SPO	Max of 2 Incandescent Bulbs only - No compact fluorescent bulbs
CALCULATORS: - Hand held, battery or solar powered only. No games, clocks, alarms. No removable memory storage, disks, tapes, chips. No capability to transfer information. Maximum value not to exceed \$25.00.	1	0	N	SPO	
HEADSETS/EARPHONES/EARBUDS - all clear, plastic construction. Value not to exceed \$50.00. <i>Choice of one or the other, not both.</i>	1	1	N	A-SPO	Special Purchase only if ordered at the same time as an approved entertainment appliance. <i>Grade B inmates no longer allowed to possess headphones but can possess one pair of earbuds.</i>
MUSICAL INSTRUMENT: No electric. <i>Battery powered only.</i> Instrument and case dimensions shall not exceed 46 x 24 x 12. Instruments limited to harmonica, acoustic guitar, & flute. No hard cases. Value not to exceed \$300.00.	1	0	N	SPO	Music books, sheet music and replacement parts for instruments may be ordered as Quarterly-SPO only. Keyboards are no longer permitted in male facilities. Existing keyboards will be permitted. No new purchase of keyboards will be permitted.
ELECTRIC RAZOR: "Plastic Head Assembly" shall be battery operated. Clear construction. Maximum value not to exceed \$80.00.	1	0	N	SPO	

Condemned Inmate Allowable Property (Continued)

ITEM DESCRIPTION	# COND A	# COND B	N/E	CANTEEN, QP or SP	SPECIAL COMMENTS
HAIR TRIMMER: Battery operated, rechargeable, includes attachments and combs. Value not to exceed \$80.00.	1	0	N	SPO	Spare blades may not be kept in possession of inmates. One for one exchange only. Only clear cases will be permitted. Non-clear case hair trimmers currently in inmate's possession will be permitted as long as they are operational.
RELIGIOUS MEDALLION AND CHAIN: Chain not to exceed 1/4 inch in width and 18 inches in length. Medallion is not to exceed 3/4 inch by 1 inch and may not have set stones. Must be obtained as a set, chains may not be purchased separately from medallion. Not to exceed \$100.00.	1	1	N	SPO	Must be sent through approved vendor only
RING: Wedding Band, one only, white or yellow metal only. Value not to exceed \$100.00. No set or stones.	1	1	N	-	Received at ceremony only.

STATE ISSUED CLOTHING

Ad/Seg. Jumpsuit	0	0	-	-	
Blue Denim Trousers	3	3	-	-	
Blue Chambray Shirt	3	3	-	-	
Boxer Shorts, Underwear	4	4	-	-	
Socks, pairs	6	6	-	-	
Belt	1	0	-	-	Web, black or blue.
Thermal Underwear	1*	1*	-	-	*Permissible for Ad-Seg and Condemned only if issued by CMO per CDC 128, and only for Hospital use.
Pajamas or gowns.	1*	0	-	-	*Permissible for Ad-Seg and Condemned only if issued by CMO per CDC 128, and only for Hospital use.
T-Shirts	3	3	-	-	
Jumpsuits - Reception Center	0	0	-	-	Allowed (4) Reception Center only.
Jacket (s)	1	1	-	-	A/S, A/B - blue denim jackets only. Melton jackets or blue denim to all inmates.
Watch Cap	1	1	-	-	No black permitted.

PERSONAL CLOTHING

- 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 ZIPPED 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.

ATHLETIC SHORTS: elastic band only. White or gray only no logos or printing.	2	0	E	SPO	Pockets not permitted.
ATHLETIC SUPPORTERS:	2	0	E	SPO	
CAPS: Baseball type only, white or gray only. Institutional sponsored logos only. No others.	1	0	E	SPO	
PONCHO: Vinyl material.	1	1		SPO	Weighing 7.7 oz, dimensions 50"x80"
SOCKS: White only.	7	0	E	SPO	
SWEATSHIRTS: Pullover only. No logos or lettering. No zippers and no hoods. White or gray only.	2	1	E	SPO	
SWEAT PANTS: No logos or zippers. White or gray only.	2	1	E	SPO	Pockets not permitted.
UNDER SHIRTS: no fishnet, white only.	5	0	E	SPO	White only. Any combination of crew neck, v-neck, or sleeveless athletic tank top permitted.
UNDER SHORTS: no fishnet, white only.	10	0	E	SPO	
UNDERWEAR, THERMAL OR LONG: Gray, White or off-white only. No pockets. One pair consists of top and bottom.	2 Sets	1	E	SPO	Permissible for Grade B only if issued by CMO per CDC 128, and only for Hospital use.

Condemned Inmate Allowable Property (Continued)

ITEM DESCRIPTION	# COND A	# COND B	N/E	CANTEEN, QP or SP	SPECIAL COMMENTS
WAVE CAPS: (White or Grey only)	2	0	E	SPO	
STATE ISSUED FOOTWEAR					
Shoes, canvas, soft sole	1	1	-	-	If no personal shoes.
Shoes, leather, hard sole	0	0	-	-	
Shoes, work, high top boots	0	0	-	-	
PERSONAL FOOTWEAR					
SHOWER SHOES: Foam or soft rubber, single layer, thong type construction, not exceeding 1-inch in thickness.	1	1	E	SPO	
HOUSESHOES: No leather or leather-like material	1	1	E	SPO	
TENNIS SHOES: No shades of red or blue. Must be predominantly white. Low, mid or high tops are permitted. Laces must be white. No MJ 14's, K-Swiss, Bugle Boys, Joy Walkers, Pumps, Gels, British Knights or Airlifts. Not to exceed \$75.00. No compression pads, view windows, pockets, hidden compartments, zippers, false insoles, or laces that are covered or concealed. No metal components including eyelets).	1	1	E	SPO	Medical chrono tennis shoes must still meet the tennis shoe regulations and come from an approved vendor with receipt.
HEALTH & HYGIENE - STATE ISSUE					
TOOTHBRUSH:	1	1	-	-	Handle cut in half except Cond. Grade A.
COMB:	1	1	-	-	
MIRROR:	1	0	-	-	Grade A only
WASHCLOTH:	2	2	-	-	
TOWELS:	2	2	-	-	
RAZOR:	0	0	-	-	Razors will be issued to inmates for use in the showers only and must be immediately returned to staff after use. Grade A inmates will be allowed to use the standard size 'blue' razors. Grade B inmates will continue to use the safety razors
TOOTH POWDER (OUNCES):	2	2	-	-	Issued twice per month on specific days by unit staff, or upon request.
TOILET PAPER, TISSUE:	1	1	-	-	Issued twice per month on specific days by unit staff, or upon request.
EAR PLUGS:	1	1	-	-	Issued twice per month on specific days by unit staff, or upon request.
SOAP, BAR:	1	1	-	-	Issued twice per month on specific days by unit staff, or upon request. A/C half bar only issued on designated shower days.
DETERGENT (OUNCES):	1	1	-	-	Issued twice per month on specific days by unit staff, or upon request.
BLANKET(S)	2	2	-	-	Cotton blankets may be substituted for other state issued blankets with current CDC128 signed by CMO.
SHEETS (2 PAIRS)	4	4	-	-	
PILLOW CASE	1	1	-	-	

Condemned Inmate Allowable Property (Continued)

HEALTH & HYGIENE - PERSONAL

- 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.

BABY POWDERS: Baby powder, foot powder, etc.	2	1	E	QP Canteen	A/C Only - All personal hygiene items in plastic containers will be held by unit staff and issued to the inmate during showers only.
COMB: non-metal, maximum 6", no handle	1	1	E	QP Canteen	A/C 4" soft, flexible, no handle. (palm comb)
COSMETIC / SHOWER BAG: (Mesh Only, Not to exceed 6"x6"x8")	1	1	E	SPO	Not permitted in the AC.
COTTON SWABS:	100	100	E	QP Canteen	
DENTAL ADHESIVE:	2	1	E	QP Canteen	Permitted only for inmates with dentures. Must provide copy of CDCR 128B from medical before ordering.
DENTAL FLOSSERS / INTERDENTAL CLEANERS:	30	30	E	QP Canteen	Approved "Floss Loops" only. No dental picks.
DENTURE CLEANER:	2 Boxes	1 Box	E	QP Canteen	Permitted only for inmates with dentures. Must provide copy of CDCR 128B from medical before ordering.
DEPILATORYS: (Hair removers, Magic Shave, Etc.)	2	1	E	QP Canteen	A/C Only - Must have a Medical Chrono to purchase. Must provide CDCR 128B before ordering.
DEODORANT: Stick or Roll on, deodorant must be clear and in a clear container only.	3	2	E	QP Canteen	A/C Only - All personal hygiene items in plastic containers will be held by unit staff and issued to the inmate during showers only.
SHAMPOO:	2	1	E	QP Canteen	A/C Only - All personal hygiene items in plastic containers will be held by unit staff and issued to the inmate during showers only.
CONDITIONER:	2	1	E	QP Canteen	A/C Only - All personal hygiene items in plastic containers will be held by unit staff and issued to the inmate during showers only.
HAIR GROOMER:	2	1	E	QP Canteen	
LAUNDRY SOAP: (Powder or Liquid)	1	0	E	QP Canteen	Grade A Only
LIP BALM: (Chapstick 'stick' type only, no gels, no CarMex)	2	1	E	QP Canteen	A/C Only - Lip Balm will be removed from tube and issued to inmate in a clear plastic bag.
LOTIONS: Cream lotions only. No baby oil or oil based products. <u>Exceptions made for Grade A inmates to possess religious oils. See "Exceptions" comment area.</u>	2	1	E	QP Canteen	A/C Only - All personal hygiene items in plastic containers will be held by unit staff and issued to the inmate during showers only.
MEDICATIONS, OVER-THE-COUNTER: (Only those medications permitted by the Division of Correctional Health Care Services as approved OTC medication.)	YES	YES	E	Canteen	Canteen ONLY. OTC medication is not approved for Quarterly packages.
MIRROR: (Maximum 6" Diameter)	1	0	E	QP/SPO Canteen	Grade A Only
SOAP, BAR:	6	1	E	QP Canteen	
SOAP DISH: (Non Metal)	1	0	E	QP/SPO Canteen	Grade A Only
TOOTHBRUSH / TOOTHBRUSH HOLDER: Holder must be plastic only and may only cover head of toothbrush.	2	1	E	QP/SPO Canteen	Toothbrush cut in half except for Grade A.
TOOTHPASTE: Toothpaste must be clear in and must come in a clear container	3	2	E	QP Canteen	Per unit procedure / unit canteen list.
PALM BRUSH: No handle, plastic only.	1	0	E	QP/SPO Canteen	Grade A Only

Condemned Inmate Allowable Property (Continued)

FOOD ITEMS

- NO GLASS CONTAINERS.
- NO CANNED ITEMS OR METAL CONTAINERS.
- 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 UNDER DEPARTMENTAL POLICY. ALL RELIGIOUS SPECIALTY FOODS MUST MEET PACKAGING AND QUANTITY RESTRICTIONS OF THIS PROCEDURE
- ADDITIONAL FOOD ITEMS APPROVED FOR CANTEEN PURCHASE IS ALLOWED.

ARTIFICIAL SWEETENER:				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
BEVERAGES: (Soda, Water, Etc. No fruit juice containing sugar. No Glass Or Metal Containers)				QP Canteen	A/C inmates are restricted from plastic bottles. Quantity limited only by established quarterly/annual package procedures.
CANDY: (Shall Not Contain Alcohol Or Liqueurs, Hard Candy Shall Be Sugar Free Only)		1 LB Limit		QP Canteen	
CEREALS: (Dry, Single Serving Packets Only).				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
CHEESE: (Non-Aerosol).				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
CHIPS:				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
COCOA: (Sugar Free)				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
COOKIES:				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
COFFEE: (Instant Only).				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
COFFEE CREAMER: (Powdered Only)	YES	0		QP Canteen	Grade A Only. Quantity limited only by established quarterly/annual package procedures.
CONDIMENTS: (Mayonnaise, Mustard, Etc. Items containing sugar such as Ketchup, jams, jellies, honey, syrup, juices, and sugar are restricted From Personal Possession).	YES	0		QP Canteen	Grade A Only. Quantity limited only by established quarterly/annual package procedures.
CRACKERS:				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
DRY MIX DRINKS: (Non-Flammable, Sugar-Free Only).				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
MEATS, DRY: (Salami, Jerky, Sausages, Etc.).				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
FOODS, VACUUM PACKED (Tuna, Sardines, Vegetables, Etc.).				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
MISCELLANEOUS SNACK ITEMS: (Snack Cakes, bars, pies, etc., are permissible. Dried fruit is not permitted).				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
NUTS: (No shells)				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
SOUPS:				QP Canteen	Quantity limited only by established quarterly/annual package procedures. No Styrofoam containers
TEA: (Bags or Instant)				QP Canteen	Quantity limited only by established quarterly/annual package procedures.
VITAMIN / MINERAL / PROTEIN SUPPLEMENTS: (Solid tablet or capsule form. No gel caps, No bulk powder)	Yes	Yes		QP Canteen	

Condemned Inmate Allowable Property (Continued)

MISCELLANEOUS - PERSONAL

ADDRESS BOOK: (Paperback only, 3"x5" maximum)	1	1		SPO	
AUDIO CASSETTES: Factory pre-recorded only. Vendor only. Must have tape player to order tapes.	10	0	E	SPO	Grade A Only, Maximum of 10 cassettes or 10 CD's, or combination of both. Inmates may also possess one cleaner.
COMPACT DISC: Factory pre-recorded only. Vendor only. Must have CD player to order CDs. CD sets including DVDs are not permitted	10	0	E	SPO	Grade A Only, Maximum of 10 cassettes or 10 CD's, or combination of both. Inmates may also possess one cleaner.
BALLPOINT PENS: (Non-metal, clear plastic only)	4	2		SPO Canteen	Grade A Only. Grade B inmates restricted to pen fillers only.
BATTERIES: (Non-alkaline type. No rechargeable batteries)	8	0	E	SPO Canteen	Grade A only.
BOWL: (Plastic, maximum 8" in diameter)	2	1	E	SPO	
CALENDAR: (12"x12" maximum, no metal)	1	1	E	SPO	
CLOCK: (non-electric. May have an alarm. No clock radios.)	1	0	E	SPO	Grade A Only
ENVELOPES: Blank and or pre-stamped.	40	40	E	SPO Canteen	
EXTENSION CORD: (3-wire conductor, #14 gauge, not to exceed 6', 600 volt rating, UL approved)	1	0	N	Canteen	Grade A Only. No extension cords without built-in circuit breakers will be permitted. No power strips will be permitted.
GREETING CARDS: Maximum size 8X10, no musical cards, no mirrors,	10	10	E	QP	Quarterly/Annual Package only. May not be received in personal/legal correspondence
HOT POTS: Grade A inmates only purchased through approved CDCR vendor and complies with DOM 54030.17.7 which states 'Hot pot: UL Approved. Maximum 350 watts; 40 oz liquid capacity, clear, non-removable base from body; temperature sensitive fuse.	1	0	E	SPO	<i>Note: if this item is used in an assault or in a manner that constitutes a safety/security threat, the inmate shall permanently lose the privilege of possessing this item.</i>
READING GLASSES: (All plastic material, No steel frames)	2	2	E	SPO	A/C inmates must have CDC128 Issued by CMO to purchase.
PENCILS, DRAWING (COLORED) or WRITING: Non-Mechanical only.	20	0	E	SPO	A/S, A/B, stubs only. No metal eraser tips or base.
PENCIL SHARPENER: Non-Electric, hand held only. No metal cover, max. 2" length.	1	0	E	SPO	Level IV subject to Warden's approval.
PHOTO ALBUMS: (Maximum 9"x12", No metal bindings)	4	1	E	SPO Canteen	
PLASTIC TUMBLER: (16 Ounces or less)	2	1	E	SPO	No handles and no shaker type tumblers permitted.
PLAYING CARDS: (Pinochle Only, No poker cards)	2	0	E	SPO	No role playing cards i.e. no Yu-Gi-Ho cards
STAMPS/STAMPED ENVELOPES: (total combined)	40	40	E	SPO Canteen	Not in quarterly package.
STORAGE CONTAINER: As permitted by local institutional authority, may include clear storage containers, foot lockers, denture holders, etc. Maximum 6 quart.	1	0	E	SPO	
SUN GLASSES - NON-PRESCRIPTION: (All plastic material, No steel frames. No mirror lenses, no red or blue lenses. Value not to exceed \$50.00)	1	1	E	SPO	Prescription sun glasses exempt from the maximum value limitation.
TABLE GAMES: (Limited to checkers, chess, dominos, and scrabble. Open bottom pieces only)	1 Each	0	E	SPO	Grade A Only. No Electronic games allowed. No games with dice.
TYPEWRITER RIBBONS: Total combination correction, typing ribbons.	12	0	E	SPO	
TYPEWRITER PRINT WHEELS:	2	-	E	SPO	
WALLET: (Plain Brown or Black only)	1	0	E	SPO	Grade A only. Maximum size 3.25" x 4.25" when folded
WRITING PAPER / LEGAL PADS / TABLETS: (Factory sealed only, no spiral bound, no staple bound)	2 reams	50 sheets	E	SPO	Package authorization. Limited by fire and safety codes. Grade A inmates may possess legal pads/tablets to equal 2 reams of paper. Cardboard backing removed from tablets in the A/C.

Condemned Inmate Allowable Property (Continued)

WRIST WATCH: Value not to exceed \$50.00.	1	0	N	SPO	Wrist or pocket style. No sets or stones. No memory storage device, disks, tapes, or CPU's. No alarm, calculator, radio, tv, games, or communication capabilities. No capacity to transfer information.
AWARDS, TROPHIES AND PRIZES:	0	0	E	-	Only those received during current confinement per unit procedures.
ORGANIZATION MEMBERSHIP CARDS:	5	0	E	-	
AC ADAPTOR	1	1		SPO	Clear plastic.
EXPANDABLE FOLDER	2	0	E	SPO	
COAX T.V. CABLE 6'	1	1		SPO	
SPLITTER (FOR USE WITH TELEVISION):	1	1	E	SPO	
READING MATERIAL PERSONAL					
BOOKS: Paperback or hardback with cover removed only.	10	3	E	SPO	Limited by fire & safety standards. Grade A limited to ten (Grade B limited to 3) in combination with books and newspapers.
MAGAZINES:	10	2	E	SPO	Limited by fire & safety standards. Current issue only. Grade A limited to ten (Grade B limited to 2) in combination with books and newspapers.
NEWSPAPERS:	10	1	E	SPO	Limited to current week only. Limited by fire & safety standards. Grade A limited to ten (Grade B limited to 1) in combination with books and magazines.
PERSONAL LETTERS:	50	25	E	N/A	Limited by fire & safety standards.
PERSONAL PHOTOGRAPHS:	200	25	E	N/A	Size not to exceed 8" x 10". No matting or attached backs. No Polaroids unless taken within institution.
LEGAL MATERIAL:				N/A	No Limit on the amount of legal material an inmate may possess, however an inmate may only maintain 1 cubic foot of legal material in his cell. Additional legal material (in excess of 1 cubic foot) will be held by the property officer and made available to the inmate upon request per departmental policy and institutional procedures.

This matrix identifies ALL allowable property for condemned inmates. Any item not addressed by this procedure is not permitted and is considered contraband. Procedures for the purchase/acquisition of allowable property and the disposition of unallowable items will be consistent with current departmental policy and institutional procedures as outlined in the Department Operations Manual, Article 43, Section 54030 through 54030.19 and San Quentin Operational Procedure # I. P. 215. This procedure supersedes all previous property procedures as of May 8, 2009.

Exceptions

Exceptions to this procedure are limited to specific electronic devices issued to an inmate as indicated on his form SQ-160, property card, prior to 12-01-00. Those exceptions are limited to televisions, radios, cassette and CD players of opaque plastic construction and "Boom Box" type radio/cassette combination unit prior to this revision.

Inmate transferring to San Quentin, who upon arrival possess televisions, radios, cassette, or CD players constructed of opaque plastic but otherwise meet requirements, will be allowed to retain these items. Inmates who possess televisions and or radios that require speaker disconnection will, at their own expense, send the item to an authorized repair facility, mail home, or donate.

Grade A inmates can order one food and cosmetics package and one SPO per quarter. The quarterly food and cosmetics must only contain food and cosmetics. Anything else will be returned at the inmates' expense. The SPO needs to be pre-approved by East Block property officers before ordering. Grade B inmates annual package will not change.

The following items will be allowed for Grade A inmates for legal supplies. The listed legal supplies must come from an approved vendor via the United States Postal Service (USPS). Two (2) reams of typing paper/writing tablets, not to exceed 1000 sheets. Forty envelopes, limited to permitted sizes only, four (4) clear (non-metal) pens or mechanical pencils, any combination not to exceed four (4). Two (2) mechanical pencil refill leads. Four (4) pen refills, two (2) regular expandable folders and twelve (12) regular folders. Six (6) typewriter/correction tapes (maximum of six), and one (1) correction ribbon/dispenser.

Condemned Inmate Allowable Property (Continued)

The following items are permitted to be sent by the inmates' attorney(s) with legal mail.

- Stamps
- Envelopes
- Paper

Accordion folders, manila folders, manila envelopes are not to be sent via legal mail unless the attorney receives advanced permission from the Associate Warden or Captain assigned to the Specialized Housing Division for a specific inmate. Inside the mailing, the attorney must include a note informing the staff opening the envelope of the pre-approval. The staff member must then verify with the approving authority.

Accordion folders, manila folders and manila envelopes may be purchased via a Special Purchase Order or can be purchased through the canteen. One hundred plastic paper clips, 1" maximum size (maximum of one hundred). Four (4) sealed Post-it Note pads, maximum size is 3 ½ by 3 ½. (See attachment 'S') will be allowed to be purchased via a Special Purchase Order by the inmate's attorney.

Any questionable items received via legal mail that are not mentioned in this section must be presented to the Legal Affairs Coordinator for approval.

Religious Oils: Grade A inmates identified by the Chaplains or identified with a genuine religious group requiring oils, shall be allowed to purchase and store religious oils in their cells. Individual inmates will be allowed to purchase up to 8 ounces of religious oil per quarter, and shall accumulate no more than eight (8) ounces of 100% alcohol free oil at any time in their cells in plastic containers only. The approved vendors are:

Exotic Fragrances; 1645 Lexington Ave., New York NY 10029; 1-877-787-3645; www.exoticfragrances.com

Garden of Fragrances; 1960 54th St. Suite A, San Diego CA 92105; 1-619-527-1307; www.gardenoffragrance.com

Package Authorization

Only the following items may be purchased through the Special Purchase Order (SPO) procedure.

- (1) Health Care Appliances, subject to prescription by health care staff and approval by designated custody staff, shall be excluded from the six cubic foot limitation.
- (2) Legal Material, including legal reference material, books, and legal pads not available in the institution canteen. Grade A inmates are allowed to order legal materials at any time using our approved vendors and filling out an SPO for pre-approval.
- (3) Correspondence Courses, subject to approval by supervisor of correctional education programs and designated custody staff.
- (4) Religious Items, subject to approval by institutional chaplain and designated custody staff.
- (5) Handicraft Material, subject to approval by handicraft manager and designated custody staff.
- (6) Entertainment Appliances and Musical Instruments, subject to qualifying privilege group.
- (7) Books and subscriptions to periodicals. [Note: Per Deputy Director M. Montes March 17, 2008 memo directive: Books, magazines, periodicals and publications can be received from any bookstore, book distributor i.e., Amazon.com; Barnes and Noble.com; Booksamillion.com, etc., or publisher, so long as their contents do not violate CCR. Institutions shall not require them to be 'approved vendors' nor shall they be required to place labels on their packaging stating 'approved vendor' or any other type of wording when sending in merchandise.

All items marked "SPO" in the matrix will be allowed via "SPO".

All orders for religious artifacts must be pre-approved by the designated chaplain of the inmates' religion and the Facility Captain of Specialized Housing Division.

Orders must be submitted on an SPO (CDC-1060) and should be submitted with the catalog or photo copy of catalog page(s) showing the item being ordered.

When the order arrives at San Quentin, it will be delivered by the unit property officer on the inmates' normal tier pass out day. At this time, the inmate MUST produce their copy of the SPO which has been approved by both the chaplain and the Facility Captain for the item(s) being issued.

ONLY pre-approved item(s) will be issued. Failure to produce an approved SPO will result in the item(s) being confiscated and returned to the vendor at the inmate's expense or donated and disposed of per Institutional procedures.

NOTE: At the time of delivery, item(s) will be inspected for safety and security concerns and can be disallowed based on these findings at this time.

Any item received via the SPO's or Quarterly/Annual package system not specifically authorized by this procedure and the package authorization for the individual inmate's program group, (grade A or B condemned) will be considered contraband. All property must be obtained through approved procedures and approved vendors only. Property received from a private party, attorney, or an unapproved vendor will be disallowed and will be considered contraband. As contraband the Inmate, at his own expense, will mail the item home or donate per the CCR. All vendors must be approved by the Department of Corrections and Rehabilitation and the Warden of San Quentin before shipping any item to a condemned inmate.

Condemned Inmate Allowable Property (Continued)

Third Party Vendor Purchase

Any item indicated as authorized to receive through institutional special purchase with the exception of nutritional supplements may be purchased by outside third parties. These items must be purchased through an authorized vendor and received at the institution via common carrier. All SPO orders including 3rd party orders must be pre-approved by the unit property officer.

In addition to the personal books allowed in a cell under this supplement, an inmate may possess in his cell:

1. San Quentin library books as prescribed by the written library exchange policy located in D.O.M. Supplement 53060 and 53060.10.
2. Educational materials including but not limited to vocational study materials, authorized by San Quentin Education Department as part of the Educational Program. An itemized list of these materials allowed in the cell shall be signed by the Education Department instructor and shall have an expiration date not to exceed the course term. A copy of the list will be given to the inmate, the inmate's housing unit administrator and placed in the inmate's Education file.

Organization Membership: Inmates will be permitted to receive membership cards in civic, social, benevolent and professional association/organizations as long as they are in possession at time of reception and as subsequently received by mail. The policy to permit inmates to retain such cards does not apply to credit or payment cards, membership card organizations with history of activities, which threaten the security of the institution or seek to advance "hate" propaganda, nor does it indicate endorsement for official recognition or association policy represented by the cards of the activities of its membership.

All condemned inmates are permitted to order two (2) new books from any legitimate book vendor without pre-approval.

All books prior to being issued will be inspected for appropriate content based on OP 608, Section 802 (C) (16).

Any books with hard covers will have the covers removed without prior approval from the inmate.

Any order which contains more than two (2) books or anything other than books will not be allowed and the entire order will be shipped out at the inmate's expense.

The following are a list of departmentally approved inmate package and SPO vendors, listed in alphabetical order and including address, contact number and website if applicable. This list is subject to revisions and change by the office of Standardized Procedures Unit for the California Department of Corrections and Rehabilitation.

Access Securepak

P.O. Box 50028

Sparks, NV 89435-0028

(800) 546-6283

www.californiaaqp.com

The Inmate Store

P.O. Box 798

Pine Grove, CA 95665

(209) 257-4824

www.ims@theinmatestore.com

Yellow Ribbon Online

580 N. Beach Street

Fort Worth, TX 76111

(866) 959-7426

www.yellowribbononline.com

Mikes Better Shoes

1252 Berlin-Haddonfield Rd.

Voorhees, NJ 08043

(800) 431-1911

www.mikesbetershoes.com

Music By Mail

129 31st Street

Brooklyn, NY 11232

(718) 369-6982

Packages R Us

2648 East Workman Ave. #424

West Covina, CA 91791

(866) 303-7787

www.packagesrus.com

Union Supply Direct

P.O. Box 7006

Rancho Dominguez, CA 90220-7006

Ph: (866) 404-8989

www.californiainmatepackage.com

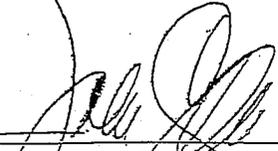
Condemned Inmate Allowable Property (Continued)



J. ARNOLD
Facility Captain (A)
Specialized Housing

5-14-10

Date Signed



J. CURZON
Associate Warden
Specialized Housing

5-17-10

Date Signed



W. A. RODRIGUEZ
Chief Deputy Warden (A)

5/24/10

Date Signed



VINCENT S. CULLEN
Warden (A)

5/19/10

Date Signed