

STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW

2014 OAL DETERMINATION NO. 11  
(OAL FILE NO. CTU2014-0130-02)

ENDORSED FILED  
IN THE OFFICE OF

2014 AUG 11 PM 2: 22

  
DEBRA BOWEN  
SECRETARY OF STATE

**REQUESTED BY:** BRYANT EVERIDGE

**CONCERNING:** A Memorandum titled "Arson Criteria and Minimum Custody Eligibility" dated July 30, 2004, issued by the Department of Corrections and Rehabilitation.

**DETERMINATION ISSUED PURSUANT TO GOVERNMENT  
CODE SECTION 11340.5.**

### SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of "regulation" as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of "regulation," but was not adopted pursuant to the APA and should have been, it is an "underground regulation" as defined in California Code of Regulations, title 1, section 250.<sup>1</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

### CHALLENGED RULE

The rule challenged as an underground regulation is found in a memorandum titled "Arson Criteria and Minimum Custody Eligibility," dated July 30, 2004 (Memorandum). The Memorandum is addressed to Regional Administrators-Institutions Division, Wardens, Classification Staff Representatives, Classification and Parole Representatives and Correctional Counselor IIIs-Reception Centers. The purpose of the Memorandum as stated "is to assist staff in determining minimum custody program eligibility for inmates with a history of arson or possession of explosive device."

<sup>1</sup> As defined by title 1, section 250(a), an

"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.

The original Memorandum was signed by Cheryl Plier, Deputy Director, Institutions Division of the Department of Corrections and Rehabilitation (Department). A copy of the Memorandum is attached to this determination as Exhibit A.

### DETERMINATION

OAL determines that the Memorandum meets the definition of "regulation" that should have been adopted pursuant to the APA.

### FACTUAL BACKGROUND

On January 30, 2014, Bryant Everidge (Petitioner) submitted a petition to OAL challenging the Memorandum as an underground regulation. The petition alleges that the Department is using the Memorandum to exclude otherwise eligible inmates from camp and minimum support facilities.

OAL accepted the petition for consideration on March 26, 2014. The petition was published in the Notice Register on April 11, 2014. Comments from the public were solicited until May 12, 2014. No comments were received. The Department was notified that if they chose to respond to the petition they would have to do so by May 27, 2014. On June 2, 2014, OAL received a response from the Department which OAL is precluded from considering pursuant to California Code of Regulations, title 1, section 270(h).

The Memorandum concerns the criteria for determining which inmates are excluded from minimum custody eligibility placement and camps. Camp is defined in section 3310 of title 15 of the California Code of Regulations as: "the type of subfacility of an institution which is normally located in a rural area and which has no secure (fenced or walled) perimeter. Camp inmates are generally assigned to conservation and/or road details." The Memorandum sets forth on pages 2 and 3 exclusions from inmate placement under certain circumstances, including:

#### CAMP

Inmates are **permanently** (any time they are incarcerated in the Department) excluded from Camp placement under the following circumstances:

- Conviction for, or whose commitment offense includes, Arson of Structure, Forest, or Property, or arson with injuries.
- Conviction, arrest, or detention for Possession of Explosive Device.
- Board of Prison Terms (BPT)/Parole Hearing Division (PHD) Good Cause Finding for Arson Structure, Forest, or Property, or Arson with injuries.
- BPT/PHD Good Cause Finding for Possession of Explosive Device.

#### MINIMUM SUPPORT FACILITY

Inmates are **permanently** (any time they are incarcerated in the Department) excluded from Minimum Support Facility (MSF) placement under the following circumstances:

- Conviction for, or whose commitment offense includes, Arson with injuries.
- BPT/PHD Good Cause Finding for Arson with injuries.

The Memorandum states that certain inmates under certain conditions will have a case-by-case review to determine eligibility based on an arson related determination. The Memorandum further sets forth the form and procedures for exclusion from camp and MSF placement based upon an arson related determination and it instructs Reception Center staff to mark the inmate's Institutional Staff Recommendation Summary (ISRS) with the exclusionary determination of "ARS" as the reason for ineligibility.

## UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5, it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of "regulation" as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec.11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to "due deference" in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

## ANALYSIS

OAL's authority to issue a determination extends only to the limited question of whether the challenged rule is a "regulation" subject to the APA. This analysis will determine (1) whether the challenged rule is a "regulation" within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

... 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.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4<sup>th</sup> 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, §11342, subd. (g)).<sup>2</sup>

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.<sup>3</sup>

The Memorandum was sent to Regional Administrators, Wardens, Classification Staff, Correctional Counselor IIIs-Reception Centers, and copied and blind copied to others. The Memorandum instructs adult institutional staff on Arson Criteria for inmates. The Memorandum states that the purpose of the Memorandum is to “assist staff in determining minimum custody program eligibility for inmates with a history of arson or possession of explosive device.” The Memorandum applies to all inmates who may be determined pursuant to the Memorandum to “have a history of arson or possession of explosive device.”

The rule, therefore, applies generally, and the first element of *Tidewater* is met.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency's procedure.

As stated in the Memorandum, it is to be used to assist staff in determining minimum custody program eligibility for inmates with a history of arson or possession of explosive devices. Penal Code section 5058(a) states:

The director may prescribe and amend rules and regulations for the administration of the prisons and for the administration of the parole of persons sentenced under Section 1170 except those persons who meet the criteria set forth in Section 2962. The rules and regulations shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, except as otherwise provided in this section and Sections 5058.1 to 5058.3, inclusive. All rules and regulations shall, to the extent practical, be stated in language that is easily understood by the general public.

<sup>2</sup> Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

<sup>3</sup> See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

Penal Code section 5054, states in part:

Commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the Secretary of the Department of Corrections and Rehabilitation.

Title 15, California Code of Regulations, section 3375.2(a)(3), excludes inmates with a "history of arson" from being housed in a facility constructed primarily of wood. It states:

An inmate meeting one or more of the following administrative or irregular placement conditions, known as administrative determinants, may be housed in a facility with a security level which is not consistent with the inmate's placement score:

...

(3) An inmate with a history of arson shall not be housed in a facility constructed primarily of wood.

Title 15, California Code of Regulations, section 3375.2(b)(2), provides for a determination of "ARS" (Arson) for inmates with a conviction for arson. It states:

The following three-letter codes are used to indicate those administrative or irregular placement conditions known as administrative determinants, which may be imposed by Departmental officials to override the placement of an inmate at a facility according to his/her placement score.

...

(2) ARS. Current conviction, prior conviction, or a sustained juvenile adjudication, as defined in subdivision (b)(26)(A), for arson.

In that the Memorandum contains criteria used for determining which inmates are being excluded from minimum custody eligibility for arson related arrests and which inmates will be assigned the exclusionary determination of "ARS," it further implements, interprets and makes specific Penal Code sections 5054 and 5058, as well as section 3375.2 of title 15 of the California Code of Regulations.

The Memorandum, therefore, meets the definition of "regulation" in Government Code section 11342.600.

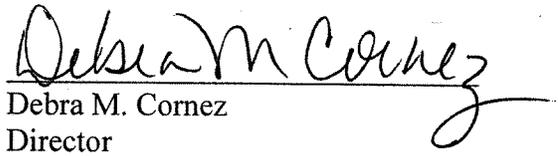
The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA "shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*" (Emphasis added.)

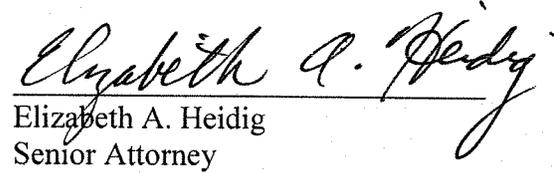
The Department has not identified an express statutory exemption from the APA that would apply to the Memorandum, nor did OAL find such an exemption.

### CONCLUSION

In accordance with the above analysis, OAL determines that the Memorandum meets the definition of "regulation" that should have been adopted pursuant to the APA.

Date: August 11, 2014

  
Debra M. Cornez  
Director

  
Elizabeth A. Heidig  
Senior Attorney

cc: Dr. Jeffrey Beard  
Timothy Lockwood

# EXHIBIT A

# Memorandum

Date : July 30, 2004

To : Regional Administrators, Institutions Division  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselor IIIs-Reception Centers

Subject: ARSON CRITERIA AND MINIMUM CUSTODY ELIGIBILITY

The purpose of this memorandum is to assist staff in determining minimum custody program eligibility for inmates with a history of arson or possession of explosive device. Please ensure this memorandum is distributed to all Correctional Counselor (CC) staff.

## DEFINITIONS

For the purpose of this memorandum, the following definitions will be utilized:

- **ARSON:** Per Penal Code (PC) Section 451, Arson—Penalties, A person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of, any structure, forest land, or property.
- **“ARS”:** Per California Code of Regulations (CCR), Title 15, Section 3375.2(b)(2), “Current, prior conviction, or a sustained juvenile adjudication, as defined in subdivision (b)(25), for arson.”
- **EXPLOSIVE/DESTRUCTIVE DEVICE:** Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition. Any bomb, grenade, explosive missile, or similar device or any launching device therefore. Any weapon of a caliber greater than 0.60 caliber which fires fixed ammunition, or any ammunition therefore. Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefore, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device. Any breakable container that contains a flammable liquid with a flashpoint of 150 degree Fahrenheit or less and has a wick or similar device capable of being ignited. Any sealed device containing dry ice (CO<sub>2</sub>) or other chemically reactive substances assembled for the purpose of causing an explosion by chemical reaction. Fireworks must be .772-grain or the equivalent of an M-80 (approximately one-quarter stick of dynamite) or larger in order to be considered an explosive device.

The following are not considered explosive/destructive devices: Tracer ammunition for shotguns, shotguns, shotgun ammunition (single projectile or shot), antique (manufactured prior to 1/1/1899) rifle, antique cannon, devices designed primarily for emergency or distress signaling purposes, devices commercially manufactured primarily for the purpose of illumination, and fireworks under the aforementioned size. If the assigned CC is unable to determine the size of the fireworks by reviewing the Probation Officer's Report (POR), Criminal Identification and Information (CI&I) criminal history, etc., the assigned CC shall order the arrest report.

Regional Administrators, Institutions Division  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselor Ills-Reception Centers  
Page 2  
(Arson Criteria and Minimum Custody Eligibility)

- **STRUCTURE:** Per PC Section 450, Definition of Terms, means any building, or commercial or public tent, bridge, tunnel, or power plant.
- **FOREST LAND:** Per PC Section 450, Definition of Terms, means any brush covered land, cutover land, forest, grasslands, or woods.
- **PROPERTY:** Per PC Section 450, Definition of Terms, means real property or personal property, other than a structure or forest land.
- **INHABITED:** Per PC Section 450, Definition of Terms, means currently being used for dwelling purposes whether occupied or not. "Inhabited structure" and "inhabited property" do not include the real property on which an inhabited structure or an inhabited property is located.
- **MALICIOUSLY:** Per PC Section 450, Definition of Terms, imports a wish to vex, defraud, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law.
- **RECKLESSLY:** Per PC Section 450, Definition of Terms, means a person is aware of and consciously disregards a substantial and unjustifiable risk that his or her act will set fire to, burn, or cause to burn a structure, forest land, or property. The risk shall be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.

## **EXCLUSIONS**

### **CAMP**

Inmates are **permanently** (any time they are incarcerated in the Department) excluded from Camp placement under the following circumstances:

- Conviction for, or whose commitment offense includes, Arson of Structure, Forest, or Property, or Arson with Injuries.
- Conviction, arrest, or detention for Possession of Explosive Device.
- Board of Prison Terms (BPT)/Parole Hearing Division (PHD) Good Cause Finding for Arson of Structure, Forest, or Property, or Arson with Injuries.
- BPT/PHD Good Cause Finding for Possession of Explosive Device.

Regional Administrators, Institutions Division  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselor Ills-Reception Centers  
Page 3  
(Arson Criteria and Minimum Custody Eligibility)

#### **MINIMUM SUPPORT FACILITY**

Inmates are permanently (any time they are incarcerated in the Department) excluded from Minimum Support Facility (MSF) placement under the following circumstances:

- Conviction for, or whose commitment offense includes, Arson with Injuries.
- BPT/PHD Good Cause Finding for Arson with Injuries.

#### **CASE-BY-CASE REVIEW**

##### **CAMP**

Inmates will have a case-by-case review completed in order to determine their eligibility for Camp placement under the following circumstance:

- Arrested, detained, or charged (not convicted) with Arson of Structure, Forest, or Property or Arson with Injuries.

Inmates requiring a case-by-case review of arson for Camp placement shall be "E" coded on the Minimum Custody Screening Form (MCSF) until a classification committee completes the review. If the Unit Classification Committee (UCC) elects to recommend denial of minimum custody placement, the case shall be referred to the Institutional Classification Committee (ICC). If the ICC denies minimum custody placement, the inmate shall be "P" coded at that time.

##### **MSF**

Inmates will have a case-by-case review completed in order to determine their eligibility for MSF placement under the following circumstances:

- Conviction for, or whose commitment offense includes, Arson of Structure, Forest, or Property.
- Conviction, arrest, or detention for Possession of Explosive Device.
- BPT/PHD Good Cause Finding for Arson of Structure, Forest, or Property.
- BPT/PHD Good Cause Finding for Possession of Explosive Device.

Inmates who are permanently excluded from Camp, but during a case-by-case review are deemed eligible for MSF placement, shall only be housed in a non-combustible facility. These inmates are excluded from being housed in a Level I at California Medical Facility, Deuel Vocational Institution, Folsom State Prison, San Quentin State Prison, and California Correctional Institution. They are also excluded from being housed in a Level I or Level II at California Men's Colony-West. The assigned CC and classification committee shall consider the inmate's work site when placing him/her in a work assignment.

Regional Administrators, Institutions Division  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselor IIIs-Reception Centers  
Page 4  
(Arson Criteria and Minimum Custody Eligibility)

### **MINIMUM CUSTODY SCREENING FORM**

The boxes in the column labeled "P" are to be used to indicate the presence of a case factor that will result in permanent exclusion from minimum custody eligibility. The boxes in the column labeled "L" have been shaded due to the "ARS" determinant not having a temporary exclusion option.

Inmates that meet the exclusionary criteria for camp shall be permanently excluded, "P" coded on the MCSF. A classification committee, on a case-by-case basis, may grant minimum custody and MSF placement even though the MCSF notes the inmate is "P" coded for ARS. The assigned CC shall note in the "Reference/Comments" section of the MCSF that the inmate is eligible for housing in a non-combustible MSF only.

Reception Center (RC) inmates shall have an MCSF completed by the assigned CC. The inmate shall be re-evaluated during his or her initial classification. When the inmate is "P" coded for "ARS" and there are no other exclusionary factors, he or she shall only receive an update if case factors change that result in changing the inmate's eligibility to an "E".

### **RECEPTION CENTER**

During RC processing, if an inmate is determined to be excluded from minimum custody placement due to arson, the assigned CC shall complete the following:

1. Institutional Staff Recommendation Summary (ISRS) for new commits: Per Department Operations Manual Section 61030.6.2, Arson History, "Indicate the date, code section, and circumstances of the arson offense. Distinguish arrests and convictions and whether a juvenile or adult at the time. Note the source of information.
2. Note on the ISRS, in the Casework Follow-Up Section, if the inmate requires a case-by-case review for possible MSF placement.
3. California Department of Corrections (CDC) Form 816, *Readmission Summary*, for parole violators.
4. MCSF: Mark the "P" column for the "ARS" determinant if the inmate meets the exclusionary criteria and write "ARS" in the Primary Factor box located in the "REASON FOR INELIGIBILITY" Section.
5. The CC-II Supervisor shall review all of the material for completeness and accuracy, and indicate if they concur with the institutions recommended. If the supervisor's recommendation is different, the reason(s) must be provided. Document the supervisor's name and job title and the date of review.

Regional Administrators, Institutions Division  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselor Ills-Reception Centers  
Page 5  
(Arson Criteria and Minimum Custody Eligibility)

6. The CSR shall determine and approve appropriate placement. If a case-by-case review for arson is required at the receiving institution, the CSR shall document the casework follow-up needs in the CDC Form 128-G, *Classification Chrono*.

### GENERAL POPULATION

When an inmate during classification committee is determined to be excluded from minimum custody placement due to arson criteria, the assigned CC shall complete the following:

1. CDC Form 128-G, *Classification Chrono*: Arson related arrest(s) or conviction(s) history shall be documented during the initial UCC or during any classification committee where the arson-related case factors changed.
2. MCSF: Mark the "P" column for the inmates that are permanently excluded from minimum custody placement and write "ARS" in the Primary Factor box located in the "REASON FOR INELIGIBILITY" Section.
3. If the inmate meets the case-by-case review criteria and classification committee, UCC or ICC, grants minimum custody placement, note in the "Reference/Comments" Section that he or she is eligible for placement in a non-combustible MSF.
4. The assigned CC shall order any arrest reports necessary to complete a required case-by-case review. Upon receiving the arrest reports, the assigned CC shall schedule the inmate for UCC.
5. If UCC elects to deny the inmate minimum custody, UCC shall document its determination and the specific reasons for the action, including the information upon which the decision was based, on the CDC Form 128-G, *Classification Chrono*, and the case shall be referred to ICC for review.
6. If ICC elects to deny the inmate minimum custody due to arson, ICC shall document its determination and the specific reasons for the action, including the information upon which the decision was based, on the CDC Form 128-G, *Classification Chrono*, and the case shall be referred to the Classification Staff Representative (CSR) for appropriate housing. The Classification and Parole Representative at the institution that is denying the minimum custody placement does not have the endorsement authority to confirm this denial.
7. The CSR shall determine and approve appropriate placement. If the CSR approves the arson exclusion, he or she shall complete the following on the CDC Form 840, *CDC RECLASSIFICATION SCORE SHEET*, in Section I, "Classification Staff Representative," Item 4, "Minimum Custody:"
  - a. Eligibility: "P."
  - b. Reason Code: "ARS."

Regional Administrators, Institutions Division  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselor Ills-Reception Centers  
Page 6  
(Arson Criteria and Minimum Custody Eligibility)

The CSR shall endorse the case, documenting on the CDC Form 128-G, *Classification Chrono*, "Arson concerns noted."

---

#### REFERENCES

##### **PC Sections**

- 450, Definition of Terms.
- 451, Arson-Penalties.
- 12301, "Destructive Device" Defined.

##### **CCR, Title 15, Sections**

- 3375, Classification Process.
- 3375.2, Administrative Determinants.

##### **DOM Sections**

- 61020.19.9, CSR Action.
- 61030.6.2, ISRS Section Contents.
- 62010, Classification Process.

##### **Other References**

- 27 Consolidated Federal Regulations, Chapter II, Section 479.11, Subpart B, Definitions.

Inmates, during their regular classification committees, such as Initial Reviews and Annual Reviews, shall have their arson history reviewed to ensure proper application of these criteria. No special classification committee reviews will be conducted solely for this purpose.

If you have any questions, please contact Ricky Lazaro, Facility Captain, Classification Services Unit (CSU), at (916) 323-4224, or via e-mail at [Ricky.Lazaro@corr.ca.gov](mailto:Ricky.Lazaro@corr.ca.gov), or Rodger Meier, CC-II, CSU, at (916) 327-1109, or via e-mail at [Roger.Meier@corr.ca.gov](mailto:Roger.Meier@corr.ca.gov).

#### **ORIGINAL SIGNED BY**

CHERYL PLILER  
Deputy Director  
Institutions Division

cc: J. S. Woodford  
Rosanne Campbell  
E. A. Mitchell  
Jan Sale  
Linda Rianda

John Dovey  
Wendy Still  
Kathleen Keeshen  
Ombudsmen's Office  
Ricky Lazaro

Steven Moore  
Frank E. Renwick  
Suzan L. Hubbard  
Jim L'Etoile  
Rodger Meier

Regional Administrators, Institutions Division  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselor IIIs-Reception Centers  
Page 7  
(Arson Criteria and Minimum Custody Eligibility)

bcc: Facility Captains, CSU  
Correctional Counselor IIIs, CSU  
Correctional Counselor IIs, CSU

---

**RODGERMEIER:INPROCESS:(RWM0519M):Ik**  
**CSU LOG #2004-50038**  
**CSU COMPLETE:C073004M**